HOUSE OF REPRESENTATIVES—*Tuesday, June 18, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, creator of the world and counselor and sustainer of those who trust in You, we ask Your blessing upon all who have any need, especially those held hostage in distant lands. May Your spirit give courage and strength to them and to their families. Our hearts reach out in the bond of concern to those who are anxious, even as we pray for understanding and for peace. In Your holy name, we pray, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1128. An act to amend the Clean Water Act, and for other purposes.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CERTAIN FORMER FLIGHT ENGINEERS OF WESTERN AIRLINES

The Clerk called the bill (H.R. 484) for the relief of certain flight engineers of Western Airlines.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MEALS ON WHEELS OF THE MONTEREY PENINSULA, INC.

The Clerk called the bill (H.R. 1095) for the relief of Meals on Wheels of the Monterey Peninsula, Inc.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

INTRODUCTION OF LEGISLATION TO COMBAT CHILD ABUSE AND NEGLECT

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, every year over 1 million cases of child abuse and neglect are reported. In my home State of California reports of sexual abuse increased 228 percent from 1977 to 1981, and reports of physical abuse increased 115 percent during the same period. Today my colleagues from California, the gentleman from California [Mr. EDWARDS] and the gentleman from California [Mr. MILLER], and I are introducing legislation that will provide needed protections to the children of our Nation.

We are learning, Mr. Speaker, that child abuse is not a new crime, rather it is a newly reported crime.

We are learning that child abuse is not an isolated crime; it occurs frequently and at every level of our society. And we are learning that our justice system simply is not prepared to deal with this crime against young and frightened victims.

Our legislation will require the Federal Government to play a more constructive role in combating child abuse. The bill will increase reporting of child abuse incidents by permitting the personnel in federally funded drug and alcohol treatment programs to report suspected cases of child abuse.

Second, it will require the FBI to include a specific category for child abuse in its criminal files, documenting these crimes.

Third, it will direct the National Center on Child Abuse and Neglect to provide State officials throughout the country with materials to assist them in combating child abuse.

Mr. Speaker, I am pleased to join in introducing this vital legislation, and I would urge and welcome the cosponsorship of our colleagues in the House.

HIJACKING GIVES RISE TO PROPOSAL ON AIR TRAVEL REGULATIONS

(Mr. McKINNEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. McKINNEY. Mr. Speaker, the hijacking of TWA Flight 847 has once again left this Nation frustrated and outraged. Once again American citizens are in danger because of the act of mindless terrorists and in fact the sloppiness of airport security within another nation.

I will be presenting to my colleagues today a "Dear Colleague" letter to join with me in antihijacking amendments. Under this new bill the Secretary of the Department of Transportation would be directed to immediately suspend all U.S. airlines from landing in a nation where a hijacking has taken place and to close direct travel from said nation to this Nation. If security is not improved within 48 hours, the Secretary of the Department of Transportation, in consultation with the Secretary of State, would prohibit all foreign commercial airlines which have stops in said nation from landing in the United States. The Secretary of the Department of Transportation may rescind the above restrictions when it has been determined to the satisfaction of the Department of Transportation that that nation's airports are in security compliance. The Secretary of the Department of Transportation would be given the power to suspend U.S. airline travel to and from a nation which will not improve its security as recommended by DOT's Office of Civil Aviation Security and to impose restrictions on operations of that nation in the United States.

The Secretary would be instructed to study and examine the security of international airports in the system where American citizens are required to travel, and report on the safety of all these airports.

I would simply suggest, Mr. Speaker, that lax security has cost a young American his life in a brutal murder and taken the Middle East to the brink of war. Something must be done, and this Nation must stand firm behind the principle that nations who enjoy the benefit of international air privileges, must live up to their responsibilities to provide secure airports.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING THE 5-MINUTE RULE TODAY, TUESDAY, JUNE 18, 1985

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 2 p.m. on Tuesday, June 18, 1985, for the purpose of marking up H.R. 2485, relating to the repayment of construction-differential subsidies.

The ranking minority member of the committee, the gentleman from New York [Mr. LENT] and the ranking minority member of the subcommittee, the gentleman from Kentucky [Mr. SNYDER] have been apprised of the markup date and time and are in accord with this request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE REPORT ON H.R. 2776

Mr. FAUNTROY. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia have until midnight tonight to file its report on H.R. 2776.

The SPEAKER. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

URGING UNIFIED SUPPORT OF THE PRESIDENT IN DEALING WITH HOSTAGE SITUATION

(Mr. GEKAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, now is the time for all good Members to come to the aid of the President of the United States. The crisis facing all America in the keeping and holding of the hostages calls for all of us in one strong voice to support the leadership of the President of the United States as he tries to unravel this mess.

It does no good for 435 Members of the Congress to individually prescribe actions to be taken or remedies to be applied when this very precise time unified action is required. We must depend on and support the President of the United States as he consults with his Secretary of State, with the international community, with the International Red Cross, and with the allies that we have around the world so that the applicable pressure can be applied on the situation to resolve it in as swiftly a fashion as possible so that our hostages can be returned safely to their homes.

Mr. Speaker, individual remedies by individual Members of Congress can only confuse the issue. Let us support the Chief Executive as he tries to unravel this mess at this critical moment in our history.

A CALL FOR IMMEDIATE REVIEW OF SECURITY AT FOREIGN AIRPORTS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, as the hostage ordeal continues for the ill fated passengers aboard TWA Flight 847, we offer our continued prayers for their safe and immediate release.

Yet, there is a larger issue here—one that poses a threat to the hundreds of thousands of Americans who travel overseas each year. How safe are airports in foreign nations? An obvious culprit in the TWA hijacking was lax security at the Athens Airport, compounded by an almost total lack of security at the Beirut Airport.

Today I call upon both the Departments of State and Transportation to conduct immediate reviews of security at foreign airports and to issue a directive to all U.S. carriers suspending their service into those airports which lack adequate security to combat armed hijackers. At the very least, we should insist on security equivalent to what we find in U.S. airports where skyjackings have been dramatically reduced in recent years.

USE OF FORCE NECESSARY IN DEALING WITH TERRORISTS

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, when an American sailor is singled out and murdered simply because he is an American, the time has come for America to meet force with force when addressing such terrorist activity.

□ 1210

Upon the return to America of the hostages now being held in Lebanon, or should any more of our people be harmed, we as a nation must respond to this act with the destruction of those forces which undertake this form of organized barbarism.

We are the most powerful nation in the world and one of the primary purposes of that power should be the protection of our citizens. Unless the orchestrators of this terrorism understand that we intend and we have the ability to use that force, we will never be able to address their activities. We will be considered impotent.

The murder of this American citizen was a villainous act. It was an act against all Americans and it is one that needs to be responded to.

LEGISLATION ON VETERANS' HOMES FORECLOSURES

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, today I am introducing legislation that is designed to speed up the sale of homes on which the Veterans' Administration has foreclosed. My interest in this comes from the fact that there is almost a year's time between foreclosure and resale on those homes. Additionally, there is a $10,000 loss to the Federal Government on each foreclosure. When you consider there are presently 30,000 of these homes, the lost revenue becomes significant.

Essentially, my legislation would provide a substantial discount on the price of a home for the veteran, first time home buyer. If the home has remained idle for 3 to 6 months, a 20-percent discount would be provided; 7 to 12 months, a 25-percent discount; over 1 year, a 30-percent discount. I strongly believe that rapidly reselling these homes at discounts would increase the flow of cash to the loan guaranty fund and diminish the need for the Congress to appropriate funds, while also reducing the need for an increase in the loan origination fee.

Mr. Speaker, I am hopeful hearings will soon be held on this initiative. I have been in touch with veterans organizations and the real estate community, and I expect that they will provide testimony in support of my proposal. Further, I urge my colleagues to offer their support of this proposal.

ROBERT STETHEM, A BRAVE YOUNG MAN

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYSON. Mr. Speaker, I rise today to speak about a sad and tragic loss. A loss for my district and a loss for our entire Nation. Whenever we lose the life of a vital young person the effects of that loss can be felt around the world. We have a cancer in this world called terrorism and this week it touched my congressional district and snuffed out the life of Robert Stethem of Waldorf, MD. Waldorf is located in southern Maryland and is a quiet place filled with rolling farmlands. The pain of ruthless brutality has shattered this quiet place and reminded us all of the horror of an unsettled world.

Robert Stethem was a fresh-faced young graduate of Thomas Stone High School in 1980. Mr. Speaker, I just de-

livered the graduating address to that very school a few days ago. In my remarks I warned them that we live in a difficult and dangerous world. I reminded them that they must leave that ceremony with the spirit of peace in their heart or there would be no peace. I reminded them that they must leave that room with a determination to make this country strong or we would be at the hands of those who would take from us the peaceful life we cherish so much in this Nation.

When the terrorists took this wonderful young Thomas Stone graduate, who had been so popular with his classmates, who had run his football to touchdown after touchdown in winning football games for Thomas Stone, and kicked and beat him senseless, they were assaulting the soul of our Nation and the heart of my district. When they took this fine young man and put a bullet in his head they were trying to snuff out the life of our country.

Well Mr. Speaker, they failed. Because the brave spirit of that wonderful southern Maryland graduate lives on in the hearts and souls of all Americans. And they will take rank behind Robert Stethem's memory and carry on the endless fight for freedom, democracy, and peace until the end of time.

Mr. Speaker, I add my voice to the millions of prayers in America and those from around the globe for the release of those hostages still in jeopardy. I send my words of comfort to the family and friends of Robbie and promise them that we will never stop fighting for peace in this world, and I promise them that this Congress will never end the ceaseless quest for an answer to the mindlessness of terrorism.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2124

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2124.

The SPEAKER pro tempore (Mr. SCHEUER). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REPORT ON PROGRESS OF MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, during the 98th Congress, this body passed legislation creating the Martin Luther King, Jr. Federal Holiday Commission. The charge of this Commission is to advise and encourage appropriate activities for our country's first national holiday commemorating the birthday of Martin Luther King, Jr. on January 20, 1986.

As one of four Members of the House appointed to this Commission, I would like to take this opportunity to report to my colleagues on the progress of this Commission.

Mrs. Coretta King and Hon. James Thompson, Governor of the State of Illinois serve as chair and vice-chair respectively. The 31 commissioners are representatives from government, business, religious, labor, and entertainment, and their diversity reflects this body's commitment to encourage Americans from all walks of life to join in this celebration.

The Commission has set forth a plan of action which is intended to facilitate its task of uniting the Nation in this commemoration of Dr. King's life and work for civil rights. We intend to promote activities in education, among youth, through the various forms of media, and a variety of other events at the State and local level.

Recently, the Commission established "Living the Dream" as the theme for the 1986 holiday. In selecting this theme, the Commission desires that all Americans celebrate on January 20, 1986 and continue after that day to reaffirm their commitment to the ideals of freedom, justice, and opportunity for all.

As cochairman of the legislative committee, it is my task to encourage each of the 50 States and the U.S. territories to enact State holidays in conjunction with the Federal holiday.

Another committee is calling upon State Governors to create State holiday commissions which would plan celebrations in the States. Today, I am calling on each of you, as you travel to your home districts, to encourage your States to enact such holidays and then to take part in State holiday celebration activities.

Let us join together in making the first celebration of the Martin Luther King, Jr. holiday a success.

DEVASTATING EFFECT OF TRADE DEFICIT IN U.S. MANUFACTURING

(Mr. MACKAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACKAY. Mr. Speaker, today the Wall Street Journal reported that the U.S. trade deficit was $30 billion in the first quarter of 1985. Following last year's $101 billion deficit, the United States has been transformed into a debtor nation.

In 2 years, the United States has frittered away our position as the world's largest creditor nation. By the end of 1985, we will be the largest debtor nation in the world, substantially exceeding Brazil and Mexico.

The effect of this trade deficit on the U.S. manufacturing sector has been devastating. The overvalued dollar means that producers and workers now face the equivalent of a 40-percent tax on their exports and must compete with a 40-percent subsidy on foreign goods and services sold to Americans. No industry is being spared, including our once dominant computer industry, as illustrated by the recent layoff by Apple Computer of 25 percent of its employees.

This problem cannot be blamed on anyone else. It is caused by our failure to balance the Federal budget. My hope is that with or without the President's leadership, the Congress will take the initiative and enact a significant deficit reduction this year.

MID-CAREER MATH AND SCIENCE TEACHER PROGRAM

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, I am introducing legislation today designed to provide mid- and late-career professionals who already possess backgrounds in math and science with the training to become classroom teachers. With the shortage of math and science teachers and an expected 25 percent drop over the next dozen years in the number of 18 to 25 year olds, I believe we must look to nontraditional sources for our teachers. The Mid-Career Math and Science Teacher Program uses mid- to late-career professionals with an interest in teaching to improve education at the precollegiate level. The program provides teacher training to individuals with an educational background and experience in math and science.

The Harvard Graduate School of Education developed this innovative approach to teaching. They have been astounded at the number of applicants. Many potential participants are eligible for early retirement or voluntary severance plans. Depending on the industry and the employee's status, good pension plans are available. For many individuals in the mid- to late-career category, the two most significant financial expenses of their careers—mortgage payments and college tuitions—are well behind them. With potential tax advantages and changing financial requirements, a new career in teaching may not be as economically constraining for a mid-career professional as it would be for a young college graduate. Teaching also enables many of these professionals an opportunity to serve—a way to fulfill a dream.

My legislation would create a 2-year pilot project geared to encourage growth in finding teachers from nontraditional sources. One institution would be chosen from each of the 10 Federal regions based upon competitive application. The programs are intended to assist the mid- to late-career professional in changing to the teaching profession. Participants would need a degree and job experience in mathematics or science or both. The institution would be directed to design a program which includes a screening mechanism to choose individuals who would be likely to succeed as classroom teachers. The active participation of qualified classroom teachers would be required as well as follow-up assistance. Upon completion of the intensive study, individuals would be certified teachers.

This program would provide desperately needed teachers who would present a new perspective to the precollegiate level of math and science. I urge my colleagues to cosponsor this innovative approach to education. Please join me in encouraging this novel and worthwhile approach.

□ 1220

UNITY REGARDING HOSTAGE CRISIS

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, one of the most bitter pills for a politician to swallow is his own words.

Over the last several days I have repeatedly heard references to President Reagan's criticism of President Carter's handling of the hostage crisis in Tehran. Although I personally have frequently differed with the President on foreign policy, and took this floor last week to disagree with the administration's policy in Central America, I believe the taking of American hostages in Beirut requires us to put our political loyalties aside.

It is time for the United States to speak with one voice for the safe return of our hostages from Beirut and for a firm foreign policy in regard to terrorist threats.

I urge my colleagues to close ranks not as Democrats or Republicans, but as fellow Americans standing together in this crisis.

AMERICAN-ISRAELI BOND AND TERRORISM

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. COURTER. Mr. Speaker, over the TWA airliner's radio, the Shiite gunmen have laid blame for the present hijacking on American aid to Israel and U.S. approval of the 1982 Israeli intervention in Lebanon.

The terrorists have separated Americans with Jewish-sounding names from the other passengers, just as, at Entebbe years ago, a German woman bearing a submachine gun separated non-Jewish hijacking victims from Jewish ones a few of whom still bore the 30-year-old tatoo marks of the concentration camps.

The hostages in Beirut are now in the hands of a Muslim militia leader who is fiercely opposed to any Israeli influence in Lebanon, but who never attacks the Syrian troops who hold so much of that country.

Finally, the condition for the release of the Americans is the Israeli release of their Shiite prisoners.

Once again, Mr. Speaker, we have a terrorist attack aimed at the United States-Israeli bond. This link—sentimental, moral, financial, political, military—has been the avowed target of scores of major terrorist attacks all over the world in the last two decades. If terrorism is war—and it is—the United States-Israeli alliance is one of its chief strategic targets.

Once again, we will hear people say that if only we would break that bond, our troubles would end. But the whispers of others who wonder, in the present crisis, "whether the Israelis might handle this one for us" are more than a confession of apparent American indecisiveness; they are a confirmation of something we do know: Israel is the only sovereign democracy in the Middle East and the only American ally there of undeniable reliability and tenacity.

PROTECTION OF AMERICANS TRAVELING ABROAD

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, as you are well aware, we are now well into day five of the odyssey involving TWA flight 847. As I speak, more than 40 innocent American tourists continue to be held hostage by Shiite Moslem fanatics in Beirut.

The pictures of this unfolding drama which we have seen on our television screens provoke feelings of fear, frustration, humiliation and perhaps most of all, anger.

Since the State Department began keeping statistics in 1968, there have been many thousands of international terrorist incidents. And, unfortunately, American citizens and U.S. interests remain a primary target of many of these violent attacks.

Today, I intend to reintroduce legislation—which I first introduced 7 years ago when I chaired the Subcommittee on Aviation—to help protect Americans traveling abroad.

My bill requires the President to compile a list of countries which actively support international terrorism and to impose specified sanctions against such countries. These sanctions include the elimination of assistance under the Foreign Assistance Act of 1961, other than international disaster assistance, and refusal to sell any defense articles or services, or to extend any credit, under the Arms Export Control Act.

The bill also requires the Secretary of Transportation to assess security measures at foreign airports. If these airports do not meet internationally established standards, the Secretary must give notice to the traveling public and the Secretary is authorized, with the approval of the Secretary of State, to revoke the operating authority of United States and foreign air carriers which use the foreign airport to provide air service to the United States. Further, the bill sets criminal penalties of up to $10,000 in fines and 20 years in prison, or both, for the hijacking of an aircraft.

Another provision of the bill requires the tagging of car-sensitive explosives with a material which can be detected prior to detonation and which would allow identification of the source of the explosive following detonation.

Although there is no single solution or answer to deal with this difficult and deadly problem, I think my bill will help protect millions of innocent Americans who travel through airports at home and especially abroad.

DAVID PACKARD CHAIRS PENTAGON TASK FORCE

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, as we begin debate on the Defense Department authorization bill it is very important for us to remember that while Ronald Reagan has fought for a strong defense posture it was Ronald Reagan who back in 1981 asked us to put in place an inspector general to ensure that waste, fraud, and abuse would be eliminated from the Pentagon. It is Ronald Reagan who just yesterday formally, announced that a former top-ranking Department of Defense official, my fellow Californian, David Packard, will continue in that attempt to ferret out waste, fraud, and abuse as he will chair a task force to do just that.

I congratulate the President for working toward a strong yet cost effective defense posture.

PREVENTION OF TERRORISM

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, we are all terribly saddened by the awful hostage situation that is going on, and I think all of us want to make perfectly clear that the first order of business is to get the hostages out alive. They are totally innocent. They are as innocent as any group of hostages ever has been and their safety has to be our first goal. Everything we do should be focused on their safety.

I want to point out some of the unfinished business that we left behind after Iran. Earlier this year I introduced a hostage relief bill at the request of the hostage families from the Iranian era. People are not aware of the fact that they never got any remuneration for the fact that they were kept for over 400 days. Our Government never reimbursed them.

Second, I think many people are not aware of the fact that this Government held to the Algiers agreement which prevented our hostages or their family from being able to sue the Iranian Government for damages after the incident had occurred. So they were absolutely shut out from pursuing any suits against Iran in international courts, although most people felt they would have had a very good case since this was clearly state-supported terrorism.

What has happened in these awful hostage situations is that when they are over we are so relieved they are over that we never go back and think what we can do to prevent future instance. I hope we learn from that. I hope we finally pay the debt owed to the people who are in Iran and move forward to do everything we can in working with other countries to try and prevent the type of circumstances that would ever allow this type of thing to happen again.

DIPLOMATIC AND MILITARY PASSPORTS DANGEROUS IN INTERNATIONAL TRAVEL

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I would like to give a warning to all of my colleagues, having flown on TWA flight 847 a few months ago from Athens to Rome.

As with most Members here, when I was a freshman Member in 1977 I was given an opportunity to procure three passports, the standard blue passport that most Americans use in foreign travel, a red official passport which is identical to the one used by most U.S. Government employees including all of our American military personnel, plus the black diplomatic passport reserved for White House key staff, U.S. Foreign Service Officers and U.S. Congressmen and Senators.

Well, I was traveling with a red official passport on TWA flight 847 and now we're told that the two murdering thugs made all of our innocent hostages hold their passports over their heads and then the terrorists looked for those official and diplomatic passports. The killers did not isolate first those people with possible Jewish surnames. That was their third category for vicious special treatment. The first passenger the thugs went after were those holding up diplomatic passports. Then they went after those with red official passports, and that is how they identified our young navy serviceman. They viciously beat this brave young sailor from Maryland, Petty Officer Robert Stethem and eventually executed him while his hands were tied because, and only because, he served all his fellow Americans as a member of our military forces.

I would recommend to every Member of this House, that they never, never travel again in foreign travel with their black or their red official passports. The simple procedure of using the standard blue passport could save you from abuse, torture, and even death.

□ 1230

If our country cannot defend U.S. citizens as we travel around this world, even on our own air carriers, the very least our Government can do is to avenge those who are murdered. After we have our TWA passengers safely back in this country, God willing, the United States must avenge the life of Robert Stethem. This 23-year-old sailor died serving his country. John 15:13. I think we have reached the final watershed of terrorism around this world against Americans.

Algeria must be made to pay a price for allowing TWA flight 847 to leave Algiers Airport when they should have shot out the planes' tires. And any American who travels through the airport at Athens is a fool. American tourists should pass on the Greek Isles. Vist the Hawaiian Islands, go to the Caribbean Islands, but stay away from Athens. The airports in Greece have the worst security procedures of any nation in the world. There are at least 100 or so traveling students sleeping over-night at the Athens Airport every spring and summer night. There is virtually no security for some flights. You take your life in your hands when you board a flight originating there. Plus the Greek Prime Minister Andreous Popandreou has encouraged a climate of hatred for the United States in his country. Hatred that gives succor to murdering terrorists.

RESTRAINT IN CRISIS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, the 40 Americans who remain hostage at this moment have drawn world attention to the impact that terrorism can have upon our lives. In attempting to deal with terrorism and the lives of these hostages, we sometimes forget that murder, kidnaping, and brutality is a way of life for many in the Middle East. While there is a tendency among some of us to lash out against this way of life, we are members of a civilized society which holds every human life sacred. While we all feel outraged over this latest incident, we must remember that only a unified determined response will win the release of the American hostages.

At this difficult time I urge the support of all Americans for the President in this crisis, and I ask for restraint among all of us until the crisis has ended and our fellow Americans are returned safely to their families.

LET US BRING THE HOSTAGES BACK SAFELY

(Ms. FIEDLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FIEDLER. Mr. Speaker, I too am here to speak for a moment about what is going on in Lebanon with the hostages. I happen to have a constituent who is one of the 40 who is being held. His name is Thomas Murray. I would simply like to offer my prayers and hopes to the family of Mr. Murray, Jeannie, his lovely wife, and everyone else within his family, to make certain that we focus all of our positive attention on his and the balance of the hostages' well being and return.

I think one of the frustrating feelings that we have all had is that we know how limited we are in a situation like this. We are angry, we are upset, we want to do something that expresses our frustration and, at the same time, we know how vulnerable as human beings we can be to somebody who has a knife at our throat or a gun at our back.

Mr. Speaker, I know that the President will continue to take every effort he can to expedite the hostages release.

I happen to agree with my colleague, BOB DORNAN, that following the conclusion of their release, that we do take whatever actions are reasonable in light of this very vicious attack, and murder.

THE UNITED STATES AS A DEBTOR NATION

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, recently when I was in Peru, a country that is beset with serious economic problems, I had the privilege of meeting with President-elect Allen Garcia, to discuss Peru's status as a debtor nation.

For the first time since 1914 so, too, is the United States a debtor nation. Economists predict that by 1989 the United States will owe foreign investors over $1 trillion. What the net debtor's status means is that U.S. companies must export more to get foreign currency just to pay interest on the accumulating debt. But exports have been going steadily down, as our industrial base is rapidly deteriorating. Our GNP growth rate for the first quarter of 1985 was under 1 percent.

Our manufacturing capacity is now barely above 80 percent. We are even losing our competitive position when it comes to high technology.

Last year for the first time we posted a trade deficit in technology of $8 billion.

Time is running out for the administration to develop a trade policy that will correct this ominous trend. Otherwise, the United States will join Peru and other countries in Latin America as a debtor nation.

LET'S THINK OF OUR CHILDREN—AND COMPROMISE ON DEFENSE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I would like to address myself to Members of the Senate who resist any further compromise on defense spending.

Most of these Senators have children and many have grandchildren. Senator PETE DOMENICI, the Budget Committee chairman, a man for whom I have the highest respect, has seven children of his own. I have five. One of the reasons we both favor a strong national defense is to ensure that America's freedoms will be preserved for today's children throughout their lifetimes.

But somehow, when it comes to the budget, we end up sticking it to our children. Every year we tolerate a $200 billion deficit means another $20 billion our children will have to pay in extra taxes, every year, before they can spend a penny on whatever their defense needs will be at the time.

Unless the Senate agrees to accept the House cuts in defense, the House will never agree to the Senate cuts in Social Security COLA's and other domestic spending. And, once again, it will be the children—Senator DOMENICI's children, my children, all our children—who will foot the bill.

A VOTE FOR THE AUTHORIZATION FOR TITLE X

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, today we will be voting on authorizations for title X and I urge its passage.

Emotions justifiably run high whenever the topic of family planning is raised. Abortion has become, in effect, a method of family planning. I am committed to stopping those abortions and on that my record is clear. This act contains no money for abortion. In fact, by definition, family planning obviates the need for abortion and further insures that every child is a wanted child.

Through these family planning services we hope to reach those who might not otherwise seek family planning assistance. Some concern has been expressed over colocation and I join the effort to ensure that abortion is in no way portrayed as an alternative.

What we must do is prevent pregnancies and to do that we must be realistic. We will save many more lives by being so. Sexual activity among teenagers is prevalent. The result, all too often is an unwanted pregnancy and, sadly abortion and suicide. Statistics now show that 4 of 10 14-year-olds will become pregnant while in their teens—some more than once. Pregnant teens are 7 to 10 times more likely to commit suicide than others. If we are to stop this cruel, inhumane cycle we must support this program.

NICARAGUAN PEOPLE WANT FREEDOM AND ARE WILLING TO FIGHT FOR IT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, many of my more liberal colleagues have said on occasion that the people of Nicaragua like the government they have down there and that we should keep our nose out of that situation and let those people fend for themselves.

Well, I hope they were watching "World News Tonight" last Saturday when Peter Jennings reported that 400,000 people, one-tenth of the population of Nicaragua, took to the streets of Managua and demonstrated against the Communist government when Cardinal Bravo returned. They said: "Christianity, yes, Communist no," and they tore down signs that the Communists were putting up.

Those people want freedom and the people of the United States should support that effort and help give it to them.

I submit to my colleagues on this side of the aisle they should listen to what the people of Nicaragua are saying; they want freedom; and they are willing to fight for it. We should be willing to give them the tools that are necessary for them to regain their country.

□ 1240

IRS REFUND DELAYS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, last week, I was informed by the IRS that over 1.1 million taxpayers still have not received their tax refunds for this past year. Further, the IRS still does not know how much interest the Government owes these taxpayers because the refund checks have not even been processed.

I am disappointed in the delays in processing these refunds. It is a great inconvenience to the taxpayers involved, and it costs the Federal Government millions of dollars in unnecessary interest payments.

If the average refund is $830, as the IRS reports was the average refund amount this year, this means the total amount of outstanding refunds would be more than $913 million. The IRS must pay interest, at an annual rate of 13 percent, on unpaid refunds. Last year, the IRS paid $209 million in interest payments on late refunds. This year, the IRS expects to pay even more.

But going beyond the cost of the IRS delays to the Government we must concern ourselves with what this does to the confidence of the American people in our tax system. Our system is based on voluntary compliance. If people lose faith in the IRS' ability to administer the Tax Code fairly, accurately, and promptly, it could spell disaster for the entire tax system. This is especially important at a time when we are considering a major reform of our Tax Code. All of our efforts to reform the code will be in vain if the IRS can't administer the code efficiently and promptly. We need to know why there has been this delay.

My subcommittee will investigate this matter in a hearing this Friday, June 21, at 9 a.m., in room 1100, Longworth. I will ask Commissioner Roscoe Egger to explain these developments.

A BOLAND AMENDMENT WOULD TIE OUR HANDS IN LEBANON

(Mr. LIVINGSTON asked and was given permission to address the House

for 1 minute, and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, all of us in the civilized world must decry the events that have taken place over the last few days aboard TWA flight 847. Some people have said we need to retaliate.

I would just like to remind my colleagues that if the Boland amendment, which is in effect in Nicaragua today by virtue of passage of legislation in this House over the last couple of years, if that amendment were in place in Lebanon as opposed to Nicaragua, there would not be a darn thing that we could do about this outrage. There would be no retaliation under any circumstances, for retaliation would be prohibited by U.S. law.

VOTE AGAINST PASSAGE OF H.R. 2369 ON THE SUSPENSION CALENDAR

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute.)

Mr. DANNEMEYER. Mr. Speaker and Members, today very shortly the House will vote on H.R. 2369, Family Planning. There are some amendments that some of us on the Committee on Energy and Commerce, when this bill was considered, would like to bring to the attention of the Members today on the floor, because they present very profound policy questions, but since the matter is on the Suspension Calendar we will be precluded from doing that.

Also, the rules of the House say that measures providing for authorizations in excess of $100 million generally speaking do not belong on the Suspension Calendar. This measure calls for authorization in 1986 fiscal year of in excess of $142 million.

I submit that a measure of this magnitude, with all of the policy implications and the money that is involved, does not belong on the Suspension Calendar.

Three of us, members of the committee that considered it, in the Energy and Commerce Committee, signed a Dear Colleague letter asking for a no vote on the Suspension Calendar this morning so that we can bring it up under a regular rule so that we will have an opportunity of offering amendments for the consideration of the House.

I ask your no vote on the matter on suspension.

SHIITE TERRORISTS' DISPLAY OF ANTISEMITISM CANNOT BE TOLERATED IN NEGOTIATIONS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, 40 years ago, millions of men, women, and children were summarily murdered in Europe. In many instances, Nazi murderers asked people who were thought to be Jews to line up at one door; who were thought to be non-Jews to line up at another door.

After the world learned of this horror, it vowed never again. Today, Shiite terrorists, the modern-day Mengeles of the world, have once again in the rankest display of antisemitism, segregated American citizens on the basis of religion. Those with Jewish-sounding names have been taken off the plane and put in one place; the rest in another place.

Our Nation should make clear, all hostages must be treated equally, and our negotiations should continue to treat the hostages exactly the same, and the world must make clear that these terrorists are no better than the Hitlers, the Eichmanns, the Mengeles, and they should be regarded in exactly the same light.

STOP AMERICAN AIRCRAFT GOING THROUGH ATHENS AIRPORT

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, it was my intention today to introduce a measure that would essentially keep American aircraft from landing at the airport in Athens, an airport that is notorious for its lack of effective security. Further, my proposal would call upon the Department of Transportation to develop a process for reviewing antiterrorist procedures throughout the world to make certain that every antiterrorist system known is being used for the protection of tourist flying abroad.

Earlier in the day, two of my colleagues, the gentleman from Delaware [Mr. MCKINNEY] and the gentleman from California [Mr. ANDERSON] introduced similar measures, so it is my intention to join them in their efforts to establish a comprehensive program dealing with the problem of airline safety throughout the world.

Beyond that point, Mr. Speaker, I think it is critical that we recognize that the American people are united in their outrage at this sort of terrorist activity. It is critical that we in the House present a unified voice in support of the President as he first works for the freedom of those hostages, and from that point designs a policy that will prevent this sort of unacceptable action in the future.

WE MUST ENSURE THE SAFETY OF U.S. CITIZENS ABROAD

(Mrs. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS. Mr. Speaker, all of us are justifiably appalled and concerned by the actions of the current Shiite outlaws in Beirut. The kidnapping and murder of innocents are totally reprehensible and it is an unacceptable way for any organization or country to conduct its international relations.

Yet, much of the talk we hear these days is of military action and a refusal to negotiate any settlement short of an unconditional surrender by the terrorists. The United States must "save face" they say. Indeed, the faces we must save are of the 43 American citizens on which there is the horror of possible death at the hands of fanatics. In our anger, let us not forget that the first responsibility of the United States abroad, to ensure the safety of our citizens.

After this crisis has been resolved, we must sit down with our allies and discuss the prevention of future terrorism. If Americans are to be using foreign airports, they must be guaranteed of their security procedures. Our intelligence agencies must cooperate with their foreign counterparts to obtain information on the planned acts of terrorist groups. Finally, a credible military antiterrorist unit must exist as a final deterrent.

Above all, we must make the saving of lives our first priority, combined with a determination not to allow terrorism to dictate the course of world politics.

CHILDREN FOR CHILDREN

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to bring to the attention of my distinguished colleagues the phenomenal success of the massive, citywide drive in New York for Ethiopian famine relief, called Children for Children.

Mr. Speaker, we launched this drive in New York last December after I returned from Ethiopia with some of my colleagues. After viewing the videotapes of crying, hungry children huddled at crowded feeding centers in Ethiopia, students in the more than 900 New York City public schools went into action.

Our school children have raised more than $250,000, and have saved the lives of tens of thousands of adults and children in Ethiopia who would have otherwise perished. Children across the city; rich, poor, black, white, yellow, sung in talent shows, made cookies for bake sales, and gave up their pennies and their allowances and their lunch money to send desperately needed grain to the starving children of Ethiopia.

The students of New York have challenged their counterparts across this great Nation to do as they have, and already other schools across the country have responded to this challenge.

The children of the Shenandoah Middle School in Iowa have raised $862 from their small school. The Charles Smith Jewish Central Day School in Rockville, MD, has collected $1,100; the Worcester Central Catholic Elementary School in Massachusetts has raised over $6,500; and the students of the Los Angeles public school system have already sent a shipment of medical supplies to Ethiopia.

I would especially like to commend and congratulate the students at Halsey Junior High School in Forest Hills, NY, for raising more than $5,106—more than any other school per capita in the city, and to state that Mr. James Perine, their teacher who spearheaded this drive; Christine Kwok, a ninth grader; and Allyson Mestel, an eighth grader; are here in Washington today to deliver that check. They have asked me to repeat to you that our kids challenge your kids to help save the lives of other kids. We hope that you are able to beat us.

□ 1250

CALL OF THE HOUSE

Mr. WAXMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 161]

Ackerman	Brown (CA)	Daschle
Addabbo	Brown (CO)	Daub
Alexander	Broyhill	Davis
Anderson	Bruce	de la Garza
Andrews	Bryant	DeLay
Annunzio	Burton (CA)	Dellums
Archer	Burton (IN)	Derrick
Armey	Bustamante	DeWine
Aspin	Byron	Dickinson
Atkins	Callahan	Dicks
Badham	Campbell	Dingell
Barnard	Carney	DioGuardi
Bartlett	Carper	Dixon
Barton	Carr	Dorgan (ND)
Bateman	Chandler	Dornan (CA)
Bates	Chappie	Dreier
Bedell	Cheney	Duncan
Beilenson	Clay	Durbin
Bennett	Clinger	Dwyer
Bereuter	Coats	Dymally
Berman	Cobey	Dyson
Bevill	Coble	Early
Biaggi	Coelho	Eckart (OH)
Bilirakis	Coleman (MO)	Eckert (NY)
Bliley	Coleman (TX)	Edgar
Boehlert	Collins	Edwards (CA)
Boggs	Combest	Edwards (OK)
Boland	Conte	Emerson
Boner (TN)	Conyers	English
Bonior (MI)	Cooper	Erdreich
Bonker	Coughlin	Evans (IA)
Borski	Courter	Evans (IL)
Bosco	Coyne	Fascell
Boulter	Craig	Fawell
Boxer	Crane	Fazio
Breaux	Daniel	Feighan
Brooks	Dannemeyer	Fiedler
Broomfield	Darden	Fields
Fish	Lott	Rowland (CT)
Florio	Lowery (CA)	Rowland (GA)
Foglietta	Lowry (WA)	Roybal
Foley	Lujan	Rudd
Ford (MI)	Luken	Russo
Ford (TN)	Lundine	Sabo
Frank	Lungren	Savage
Frenzel	Mack	Saxton
Fuqua	MacKay	Schaefer
Gallo	Madigan	Schneider
Gaydos	Manton	Schroeder
Gejdenson	Markey	Schuette
Gekas	Martin (NY)	Schulze
Gephardt	Martinez	Schumer
Gibbons	Matsui	Seiberling
Gilman	Mavroules	Sensenbrenner
Gingrich	Mazzoli	Sharp
Glickman	McCain	Shaw
Gonzalez	McCandless	Shelby
Goodling	McCloskey	Shumway
Gordon	McCollum	Sikorski
Gradison	McCurdy	Siljander
Gray (IL)	McDade	Sisisky
Gray (PA)	McEwen	Skeen
Green	McGrath	Skelton
Gregg	McHugh	Slattery
Grotberg	McKernan	Slaughter
Guarini	McMillan	Smith (FL)
Gunderson	Meyers	Smith (IA)
Hall (OH)	Mica	Smith (NE)
Hall, Ralph	Michel	Smith (NH)
Hamilton	Mikulski	Smith (NJ)
Hammerschmidt	Miller (CA)	Smith, Denny
Hansen	Miller (OH)	Smith, Robert
Hartnett	Miller (WA)	Snowe
Hatcher	Mineta	Snyder
Hawkins	Mitchell	Solarz
Hayes	Moakley	Spence
Hefner	Molinari	Spratt
Heftel	Mollohan	St Germain
Hendon	Monson	Staggers
Henry	Montgomery	Stallings
Hertel	Moore	Stangeland
Hiler	Moorhead	Stenholm
Hillis	Morrison (CT)	Stokes
Holt	Morrison (WA)	Strang
Hopkins	Mrazek	Stratton
Horton	Murphy	Studds
Howard	Murtha	Stump
Hoyer	Myers	Sundquist
Hubbard	Natcher	Sweeney
Huckaby	Neal	Swift
Hughes	Nelson	Swindall
Hunter	Nichols	Synar
Hutto	Nielson	Tauke
Hyde	Nowak	Tauzin
Ireland	O'Brien	Taylor
Jacobs	Oakar	Thomas (CA)
Jenkins	Oberstar	Thomas (GA)
Johnson	Obey	Torricelli
Jones (NC)	Olin	Traficant
Jones (OK)	Owens	Traxler
Jones (TN)	Oxley	Valentine
Kanjorski	Packard	Vander Jagt
Kaptur	Panetta	Vento
Kasich	Parris	Visclosky
Kastenmeier	Pashayan	Volkmer
Kennelly	Pease	Vucanovich
Kildee	Penny	Walgren
Kindness	Perkins	Walker
Kolbe	Petri	Watkins
Kolter	Pickle	Waxman
Kostmayer	Porter	Weaver
Kramer	Price	Weber
LaFalce	Pursell	Weiss
Lagomarsino	Quillen	Wheat
Lantos	Rahall	Whitehurst
Latta	Ray	Whitley
Leach (IA)	Regula	Whittaker
Leath (TX)	Reid	Williams
Lehman (CA)	Richardson	Wirth
Lehman (FL)	Ridge	Wolf
Leland	Rinaldo	Wolpe
Lent	Ritter	Wortley
Levin (MI)	Roberts	Wright
Levine (CA)	Robinson	Wyden
Lewis (CA)	Rodino	Wylie
Lewis (FL)	Roemer	Yates
Lightfoot	Rogers	Yatron
Lipinski	Rose	Young (AK)
Livingston	Rostenkowski	Young (FL)
Lloyd	Roth	Young (MO)
Long	Roukema	Zschau

□ 1300

The SPEAKER pro tempore (Mr. NATCHER). On this rollcall, 393 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed on Monday, June 17, 1985, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2369, by the yeas and nays;

H.R. 2417, by the yeas and nays; and

H.R. 2290, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

□ 1310

EXTENSION OF TITLE X OF PUBLIC HEALTH SERVICE ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2369.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2369, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 197, not voting 22, as follows:

[Roll No. 162]

YEAS—214

Ackerman	Collins	Foglietta
Addabbo	Conte	Foley
Alexander	Conyers	Ford (MI)
Anderson	Cooper	Ford (TN)
Andrews	Coughlin	Fowler
Anthony	Coyne	Frank
Aspin	Crockett	Frenzel
Atkins	Darden	Frost
Barnard	Daschle	Gallo
Barnes	Davis	Garcia
Bates	Dellums	Gejdenson
Bedell	Derrick	Gibbons
Beilenson	Dickinson	Gilman
Bennett	Dicks	Glickman
Berman	Dingell	Gonzalez
Bevill	DioGuardi	Gordon
Boehlert	Dixon	Gray (IL)
Boner (TN)	Donnelly	Gray (PA)
Bonker	Dorgan (ND)	Green
Bosco	Durbin	Gregg
Boxer	Dwyer	Guarini
Brooks	Dymally	Hamilton
Brown (CA)	Eckart (OH)	Hatcher
Broyhill	Edgar	Hawkins
Bruce	Edwards (CA)	Hayes
Bryant	Erdreich	Hefner
Burton (CA)	Evans (IA)	Heftel
Bustamante	Evans (IL)	Henry
Carper	Fascell	Hillis
Carr	Fawell	Horton
Chandler	Fazio	Howard
Clay	Feighan	Hoyer
Coelho	Fish	Hughes
Coleman (TX)	Florio	Jacobs

Jenkins	Mitchell	Smith (FL)
Johnson	Moakley	Smith (IA)
Jones (NC)	Morrison (CT)	Smith, Robert
Jones (TN)	Morrison (WA)	Snowe
Kaptur	Mrazek	Solarz
Kastenmeier	Neal	Spratt
Kennelly	Nowak	Stark
Kildee	Oakar	Stokes
Kolbe	Obey	Stratton
Kostmayer	Olin	Studds
Lantos	Owens	Swift
Leach (IA)	Panetta	Synar
Leath (TX)	Pease	Thomas (CA)
Lehman (CA)	Pepper	Thomas (GA)
Lehman (FL)	Perkins	Torricelli
Leland	Pickle	Traficant
Levin (MI)	Porter	Udall
Levine (CA)	Pursell	Valentine
Lloyd	Ray	Vento
Lowry (WA)	Richardson	Visclosky
Lundine	Ridge	Walgren
MacKay	Robinson	Waxman
Madigan	Rodino	Weaver
Manton	Rose	Weiss
Markey	Roukema	Wheat
Martinez	Rowland (GA)	Whitehurst
Matsui	Roybal	Whitley
McCloskey	Sabo	Whitten
McCurdy	Savage	Williams
McHugh	Scheuer	Wirth
McKernan	Schneider	Wise
McKinney	Schroeder	Wolpe
Meyers	Schumer	Wright
Mica	Seiberling	Wyden
Mikulski	Sharp	Yates
Miller (CA)	Shelby	Zschau
Miller (WA)	Sisisky	
Mineta	Slattery	

NAYS—197

Annunzio	Gekas	McMillan
Applegate	Gephardt	Michel
Archer	Gingrich	Miller (OH)
Armey	Goodling	Molinari
Badham	Gradison	Mollohan
Bartlett	Grotberg	Monson
Barton	Gunderson	Montgomery
Bateman	Hall (OH)	Moore
Bereuter	Hall, Ralph	Moorhead
Biaggi	Hammerschmidt	Murphy
Bilirakis	Hansen	Murtha
Bliley	Hartnett	Myers
Boggs	Hendon	Natcher
Boland	Hertel	Nelson
Bonior (MI)	Hiler	Nichols
Borski	Holt	Nielson
Boulter	Hopkins	O'Brien
Breaux	Hubbard	Oberstar
Broomfield	Huckaby	Ortiz
Brown (CO)	Hunter	Oxley
Burton (IN)	Hutto	Packard
Byron	Hyde	Parris
Callahan	Ireland	Pashayan
Campbell	Jones (OK)	Penny
Carney	Kanjorski	Petri
Chappie	Kasich	Price
Cheney	Kemp	Quillen
Clinger	Kindness	Rahall
Coats	Kolter	Regula
Cobey	Kramer	Reid
Coble	LaFalce	Rinaldo
Coleman (MO)	Lagomarsino	Ritter
Combest	Latta	Roberts
Courter	Lent	Roemer
Craig	Lewis (CA)	Rogers
Crane	Lewis (FL)	Rostenkowski
Daniel	Lightfoot	Roth
Dannemeyer	Lipinski	Rowland (CT)
Daub	Livingston	Rudd
de la Garza	Long	Russo
DeLay	Lott	Saxton
DeWine	Lowery (CA)	Schaefer
Dornan (CA)	Lujan	Schuette
Dreier	Luken	Schulze
Duncan	Lungren	Sensenbrenner
Dyson	Mack	Shaw
Early	Martin (NY)	Shumway
Eckert (NY)	Mavroules	Shuster
Edwards (OK)	Mazzoli	Sikorski
Emerson	McCain	Siljander
English	McCandless	Skeen
Fiedler	McCollum	Skelton
Fields	McDade	Slaughter
Fuqua	McEwen	Smith (NE)
Gaydos	McGrath	Smith (NH)
Smith (NJ)	Sundquist	Watkins
Smith, Denny	Sweeney	Weber
Snyder	Swindall	Whittaker
Spence	Tauke	Wolf
St Germain	Tauzin	Wortley
Staggers	Taylor	Wylie
Stallings	Traxler	Yatron
Stangeland	Vander Jagt	Young (AK)
Stenholm	Volkmer	Young (FL)
Strang	Vucanovich	Young (MO)
Stump	Walker	

NOT VOTING—22

Akaka	Franklin	Roe
AuCoin	Jeffords	Solomon
Bentley	Kleczka	Tallon
Boucher	Loeffler	Torres
Chappell	Marlenee	Towns
Dowdy	Martin (IL)	Wilson
Downey	Moody	
Flippo	Rangel	

□ 1320

The Clerk announced the following pairs:

On this vote:

Mr. Moody and Mr. Rangel for, with Mr. Solomon against.

Mr. Akaka and Mr. Towns for, with Mr. Franklin against.

Messrs. KASICH, EDWARDS of Oklahoma, MOORE, SIKORSKI, RAHALL, RUSSO, HERTEL of Michigan, MURPHY, DE LA GARZA, LAFALCE, ENGLISH, and RITTER, Mrs. BOGGS, Messrs. COURTER, ROSTENKOWSKI, MURTHA, REID, REGULA, KRAMER, MICA, YOUNG of Alaska, CLINGER, BREAUX, NATCHER, LUJAN, and O'BRIEN, Mrs. LONG, and Messrs. BIAGGI, WATKINS, BORSKI, PASHAYAN, SKEEN, BOLAND, EARLY, ORTIZ, TRAXLER, VANDER JAGT, and HUNTER changed their votes from "yea" to "nay."

Messrs. MILLER of Washington, KOLBE, and MICA changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1330

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

HEALTH MAINTENANCE ORGANIZATION AMENDMENTS OF 1985

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2417.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2417, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 2, not voting 20, as follows:

[Roll No. 163]

YEAS—411

Ackerman	Davis	Hertel
Addabbo	de la Garza	Hiler
Alexander	DeLay	Hillis
Anderson	Dellums	Holt
Andrews	Derrick	Hopkins
Annunzio	DeWine	Horton
Anthony	Dickinson	Howard
Applegate	Dicks	Hoyer
Archer	Dingell	Hubbard
Armey	DioGuardi	Huckaby
Aspin	Dixon	Hughes
Atkins	Donnelly	Hunter
Badham	Dorgan (ND)	Hutto
Barnard	Dornan (CA)	Hyde
Barnes	Downey	Ireland
Bartlett	Dreier	Jacobs
Barton	Duncan	Jenkins
Bateman	Durbin	Johnson
Bates	Dwyer	Jones (NC)
Bedell	Dymally	Jones (OK)
Beilenson	Dyson	Jones (TN)
Bennett	Early	Kanjorski
Bereuter	Eckart (OH)	Kaptur
Berman	Eckert (NY)	Kasich
Bevill	Edgar	Kastenmeier
Biaggi	Edwards (CA)	Kemp
Bilirakis	Edwards (OK)	Kennelly
Bliley	Emerson	Kildee
Boehlert	English	Kindness
Boggs	Erdreich	Kolbe
Boland	Evans (IA)	Kolter
Boner (TN)	Evans (IL)	Kostmayer
Bonior (MI)	Fascell	Kramer
Bonker	Fawell	LaFalce
Borski	Fazio	Lagomarsino
Bosco	Feighan	Lantos
Boulter	Fiedler	Latta
Boxer	Fields	Leach (IA)
Breaux	Fish	Leath (TX)
Brooks	Florio	Lehman (CA)
Broomfield	Foglietta	Lehman (FL)
Brown (CA)	Foley	Leland
Brown (CO)	Ford (MI)	Lent
Broyhill	Ford (TN)	Levin (MI)
Bruce	Fowler	Levine (CA)
Bryant	Frank	Lewis (CA)
Burton (CA)	Frenzel	Lewis (FL)
Burton (IN)	Frost	Lightfoot
Bustamante	Fuqua	Lipinski
Byron	Gallo	Livingston
Callahan	Garcia	Lloyd
Campbell	Gaydos	Long
Carney	Gejdenson	Lott
Carper	Gekas	Lowery (CA)
Carr	Gephardt	Lowry (WA)
Chandler	Gibbons	Lujan
Chappell	Gilman	Luken
Chappie	Gingrich	Lundine
Cheney	Glickman	Lungren
Clay	Gonzalez	Mack
Clinger	Goodling	MacKay
Coats	Gordon	Madigan
Cobey	Gradison	Manton
Coble	Gray (IL)	Markey
Coelho	Gray (PA)	Martin (NY)
Coleman (MO)	Green	Martinez
Coleman (TX)	Gregg	Matsui
Collins	Grotberg	Mavroules
Combest	Guarini	Mazzoli
Conte	Gunderson	McCain
Conyers	Hall (OH)	McCandless
Cooper	Hall, Ralph	McCloskey
Coughlin	Hamilton	McCollum
Courter	Hammerschmidt	McCurdy
Coyne	Hansen	McDade
Craig	Hartnett	McEwen
Crane	Hatcher	McGrath
Crockett	Hawkins	McHugh
Daniel	Hayes	McKernan
Dannemeyer	Hefner	McKinney
Darden	Heftel	McMillan
Daschle	Hendon	Meyers
Daub	Henry	Mica

Michel	Roberts	Stangeland
Mikulski	Robinson	Stark
Miller (CA)	Rodino	Stenholm
Miller (OH)	Roe	Stokes
Miller (WA)	Roemer	Strang
Mineta	Rogers	Stratton
Mitchell	Rose	Studds
Molinari	Rostenkowski	Stump
Mollohan	Roth	Sundquist
Monson	Roukema	Sweeney
Montgomery	Rowland (CT)	Swift
Moore	Rowland (GA)	Swindall
Moorhead	Roybal	Synar
Morrison (CT)	Rudd	Tauke
Morrison (WA)	Russo	Tauzin
Mrazek	Sabo	Taylor
Murphy	Savage	Thomas (CA)
Murtha	Saxton	Thomas (GA)
Myers	Schaefer	Torricelli
Natcher	Scheuer	Traficant
Neal	Schneider	Traxler
Nelson	Schroeder	Udall
Nichols	Schuette	Valentine
Nielson	Schulze	Vander Jagt
Nowak	Schumer	Vento
O'Brien	Seiberling	Visclosky
Oakar	Sensenbrenner	Volkmer
Obey	Sharp	Vucanovich
Olin	Shaw	Walker
Ortiz	Shelby	Watkins
Owens	Shumway	Waxman
Oxley	Shuster	Weaver
Packard	Sikorski	Weber
Panetta	Siljander	Weiss
Parris	Sisisky	Wheat
Pashayan	Skeen	Whitehurst
Pease	Skelton	Whitley
Penny	Slattery	Whittaker
Pepper	Slaughter	Whitten
Perkins	Smith (FL)	Williams
Petri	Smith (IA)	Wirth
Pickle	Smith (NE)	Wise
Porter	Smith (NH)	Wolf
Price	Smith (NJ)	Wolpe
Pursell	Smith, Denny	Wortley
Quillen	Smith, Robert	Wright
Rahall	Snowe	Wyden
Ray	Snyder	Wylie
Regula	Solarz	Yates
Reid	Spence	Yatron
Richardson	Spratt	Young (AK)
Ridge	St Germain	Young (FL)
Rinaldo	Staggers	Young (MO)
Ritter	Stallings	Zschau

NAYS—2

Oberstar	Walgren	

NOT VOTING—20

Akaka	Jeffords	Rangel
AuCoin	Kleczka	Solomon
Bentley	Loeffler	Tallon
Boucher	Marlenee	Torres
Dowdy	Martin (IL)	Towns
Flippo	Moakley	Wilson
Franklin	Moody	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ORPHAN DRUG AMENDMENTS OF 1985

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2290, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2290, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 164]

YEAS—413

Ackerman	Dickinson	Hunter
Alexander	Dicks	Hutto
Anderson	Dingell	Hyde
Andrews	DioGuardi	Ireland
Annunzio	Dixon	Jacobs
Anthony	Donnelly	Jenkins
Applegate	Dorgan (ND)	Johnson
Archer	Dornan (CA)	Jones (NC)
Armey	Downey	Jones (OK)
Aspin	Dreier	Jones (TN)
Atkins	Duncan	Kanjorski
Badham	Durbin	Kaptur
Barnard	Dwyer	Kasich
Barnes	Dymally	Kastenmeier
Bartlett	Dyson	Kemp
Barton	Early	Kennelly
Bateman	Eckart (OH)	Kildee
Bates	Eckert (NY)	Kindness
Bedell	Edgar	Kolbe
Beilenson	Edwards (CA)	Kolter
Bennett	Edwards (OK)	Kostmayer
Bereuter	Emerson	Kramer
Berman	English	LaFalce
Bevill	Erdreich	Lagomarsino
Biaggi	Evans (IA)	Lantos
Billirakis	Evans (IL)	Latta
Bliley	Fascell	Leach (IA)
Boehlert	Fawell	Leath (TX)
Boggs	Fazio	Lehman (CA)
Boland	Feighan	Lehman (FL)
Boner (TN)	Fiedler	Leland
Bonior (MI)	Fields	Lent
Bonker	Fish	Levin (MI)
Borski	Florio	Levine (CA)
Bosco	Foglietta	Lewis (CA)
Boulter	Foley	Lewis (FL)
Boxer	Ford (MI)	Lightfoot
Breaux	Ford (TN)	Lipinski
Brooks	Fowler	Livingston
Broomfield	Frank	Lloyd
Brown (CA)	Frenzel	Long
Brown (CO)	Frost	Lott
Broyhill	Fuqua	Lowery (CA)
Bruce	Gallo	Lowry (WA)
Bryant	Garcia	Lujan
Burton (CA)	Gaydos	Luken
Burton (IN)	Gejdenson	Lundine
Bustamante	Gekas	Lungren
Byron	Gephardt	Mack
Callahan	Gibbons	MacKay
Campbell	Gilman	Madigan
Carney	Gingrich	Manton
Carper	Glickman	Markey
Carr	Gonzalez	Martin (NY)
Chandler	Goodling	Martinez
Chappell	Gordon	Matsui
Chappie	Gradison	Mavroules
Cheney	Gray (IL)	Mazzoli
Clay	Gray (PA)	McCain
Clinger	Green	McCandless
Coats	Gregg	McCloskey
Cobey	Grotberg	McCollum
Coble	Guarini	McCurdy
Coelho	Gunderson	McDade
Coleman (MO)	Hall (OH)	McEwen
Coleman (TX)	Hall, Ralph	McGrath
Collins	Hamilton	McHugh
Combest	Hammerschmidt	McKernan
Conte	Hansen	McKinney
Conyers	Hartnett	McMillan
Cooper	Hatcher	Meyers
Coughlin	Hawkins	Mica
Courter	Hayes	Michel
Coyne	Hefner	Mikulski
Craig	Heftel	Miller (CA)
Crane	Hendon	Miller (OH)
Crockett	Henry	Miller (WA)
Daniel	Hertel	Mineta
Dannemeyer	Hiler	Mitchell
Darden	Hillis	Moakley
Daschle	Holt	Molinari
Daub	Hopkins	Mollohan
Davis	Horton	Monson
de la Garza	Howard	Montgomery
DeLay	Hoyer	Moore
Dellums	Hubbard	Moorhead
Derrick	Huckaby	Morrison (CT)
DeWine	Hughes	Morrison (WA)
Mrazek	Rowland (CT)	Studds
Murphy	Rowland (GA)	Stump
Murtha	Roybal	Sundquist
Myers	Rudd	Sweeney
Natcher	Russo	Swift
Neal	Sabo	Swindall
Nelson	Savage	Synar
Nichols	Saxton	Tauke
Nielson	Schaefer	Tauzin
Nowak	Scheuer	Taylor
O'Brien	Schneider	Thomas (CA)
Oakar	Schroeder	Thomas (GA)
Oberstar	Schuette	Torricelli
Obey	Schulze	Traficant
Olin	Schumer	Traxler
Ortiz	Seiberling	Udall
Owens	Sensenbrenner	Valentine
Oxley	Sharp	Vander Jagt
Packard	Shaw	Vento
Panetta	Shelby	Visclosky
Parris	Shumway	Volkmer
Pashayan	Shuster	Vucanovich
Pease	Sikorski	Walgren
Penny	Siljander	Walker
Pepper	Sisisky	Watkins
Perkins	Skeen	Waxman
Petri	Skelton	Weaver
Pickle	Slattery	Weber
Porter	Slaughter	Weiss
Price	Smith (FL)	Wheat
Pursell	Smith (IA)	Whitehurst
Quillen	Smith (NE)	Whitley
Rahall	Smith (NH)	Whittaker
Ray	Smith (NJ)	Whitten
Regula	Smith, Denny	Williams
Reid	Smith, Robert	Wirth
Richardson	Snowe	Wise
Ridge	Snyder	Wolf
Rinaldo	Solarz	Wolpe
Ritter	Spence	Wortley
Roberts	Spratt	Wright
Robinson	St Germain	Wyden
Rodino	Staggers	Wylie
Roe	Stallings	Yates
Roemer	Stangeland	Yatron
Rogers	Stark	Young (AK)
Rose	Stenholm	Young (FL)
Rostenkowski	Stokes	Young (MO)
Roth	Strang	Zschau
Roukema	Stratton	

NAYS—0

NOT VOTING—20

Addabbo	Franklin	Rangel
Akaka	Jeffords	Solomon
AuCoin	Kleczka	Tallon
Bentley	Loeffler	Torres
Boucher	Marlenee	Towns
Dowdy	Martin (IL)	Wilson
Flippo	Moody	

□ 1350

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1147) to amend the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act, and related laws, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MADIGAN. Mr. Speaker, reserving the right to object, I would yield to the gentleman from California [Mr. WAXMAN] to explain to the House exactly what it is we are doing.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the purpose of my request is to take up the Senate bill and amend that bill with the House version just passed with an amendment thereto.

Mr. MADIGAN. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Orphan Drug Amendments of 1985".

MARKETING PROTECTION

SEC. 2. Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended—

(1) by striking out "UNPATENTED" in the title of the section;

(2) by striking out "and for which a United States Letter of Patent may not be issued" in subsection (a); and

(3) by striking out "and if a United States Letter of Patent may not be issued for the drug" in subsection (b).

NATIONAL COMMISSION ON ORPHAN DISEASES

SEC. 3. (a) There is established the National Commission on Orphan Diseases (hereafter in this section referred to as the "Commission").

(b) The Commission shall assess the activities of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, the Food and Drug Administration, other public agencies, and private entities in connection with—

(1) basic research relating to rare diseases;

(2) the use in research on rare diseases of knowledge developed in other research;

(3) applied and clinical research relating to the prevention, diagnosis, and treatment of rare diseases; and

(4) the dissemination to the public, health care professionals, researchers, and drug and medical device manufacturers of knowledge developed in research relating to rare diseases and other diseases which can be used in the prevention, diagnosis, and treatment of rare diseases.

(c) In assessing the activities of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and the Food and Drug Administration in connection with research relating to rare diseases, the Commission shall review—

(1) the appropriateness of the priorities currently placed on research relating to rare diseases;

(2) the relative effectiveness of grants and contracts when used to fund research relating to rare diseases;

(3) the adequacy of the scientific basis for such research, including the adequacy of the research facilities and research resources used in such research and the appropriateness of the scientific training of the personnel engaged in such research;

(4) the effectiveness of activities undertaken to encourage such research;

(5) the organization of the peer review process applicable to applications for funds for such research to determine if the organization of the peer review process could be revised to improve the effectiveness of the review provided to proposals for research relating to rare diseases;

(6) the effectiveness of the coordination between the national research institutes of the National Institutes of Health, the Institutes of the Alcohol, Drug Abuse, and Mental Health Administration, the Food and Drug Administration, and private entities in supporting such research; and

(7) the effectiveness of activities undertaken to assure that knowledge developed in research on nonrare diseases is, when appropriate, used in research on rare diseases.

(d)(1) The Commission shall be composed of twenty members appointed by the Secretary of Health and Human Services as follows:

(A) Ten members shall be appointed from individuals who are not officers or employees of the Government and who by virtue of their training or experience in research on rare diseases or in the treatment of rare diseases are qualified to serve on the Commission.

(B) Five members shall be appointed from individuals who are not officers or employees of the Government and who have a rare disease or are employed to represent or are members of an organization concerned about rare disease.

(C) Four nonvoting members shall be appointed from—

(i) the directors of the national research institutes of the National Institutes of Health; or

(ii) the directors of the institutes of the Alcohol, Drug Abuse, and Mental Health Administration;

which the Secretary determines are involved with rare diseases.

(D) One nonvoting member shall be appointed from officer or employees of the Food and Drug Administration who the Secretary determines are involved with rare diseases.

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) If any member of the Commission who was appointed to the Commission as a director of a national research institute, a director of an institute of the Alcohol, Drug Abuse, and Mental Health Administration, or an officer or employee of the Food and Drug Administration, leaves that office or employment, or if any member of the Commission who was appointed under subparagraph (A) or (B) of paragraph (1) becomes an officer or employee of the Government, such member may continue as a member of the Commission for not longer than the ninety-day period beginning on the date such member leaves that office or employment or becomes such an officer or employee, as the case may be.

(e) Except as provided in subsection (d)(3), members shall be appointed for the life of the Commission.

(f)(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive compensation at a rate equal to the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties as members of the Commission.

(2) Members of the Commission who are full-time officers or employees of the Government shall receive no additional pay by reason of their service on the Commission.

(g) The Chairman of the Commission shall be designated by the members of the Commission.

(h) Subject to such rules as may be prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it determines are necessary to enable the Commission to carry out its functions. Personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(i) Subject to such rules as many be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the basic pay payable for grade GS-15 of the General Schedule.

(j) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commissions to assist the commission in carrying out its duties under this section.

(k) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support as the Commission may request.

(l) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(m) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(n) By September 30, 1987, the Commission shall transmit to the Secretary and to each House of the Congress a report on the activities of the Commission. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for—

(1) a long-range plan for the use of public and private resources to improve research into rare diseases and to assist in the prevention, diagnosis, and treatment of rare diseases; and

(2) such legislation or administrative actions as the Commission considers appropriate.

(o) The Commission shall terminate 90 days after the date of the submittal of its report under subsection (n).

(p) The Secretary shall make available $1,000,000 to the Commission from appropriations for fiscal year 1986 for the Public Health Service.

GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF DRUGS FOR RARE DISEASES AND CONDITIONS

SEC. 4. Section 5 of the Orphan Drug Act (21 U.S.C. 360ee) is amended—

(1) by striking out "clinical" in subsection (a);

(2) by striking out subsection (b)(1) and inserting in lieu thereof the following:

"(1) The term 'qualified testing' means—

"(A) human clinical testing—

"(i) which is carried out under an exemption for a drug for a rare disease or condition under section 505(i) of the Federal

Food, Drug, or Cosmetic Act (or regulations issued under such section); and

"(ii) which occurs after the date such drug is designated under section 526 of such Act and before the date on which an application with respect to such drug is submitted under section 505(b) of such Act or under section 351 of the Public Health Service Act; and

"(B) preclinical testing involving a drug for a rare disease or condition which occurs after the date such drug is designated under section 526 of such Act and before the date on which an application with respect to such drug is submitted under section 505(b) of such Act or under section 351 of the Public Health Service Act."; and

(3) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) For grants and contracts under subsection (a) there are authorized to be appropriated $4,000,000 for fiscal year 1986, $4,000,000 for fiscal year 1987, and $4,000,000 for fiscal year 1988.".

CORRECTION OF PUBLIC LAW 98-619

SEC. 5. The matter following the heading "Education for the Handicapped" under title III of the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1985, is amended by inserting after "shall" the first time it appears a comma and the following: "except for part D of such Act," and by adding at the end thereof a colon and the following: *"Provided further,* That the amounts available for such part D shall be available for obligation on October 1, 1984, and shall remain available until September 30, 1985".

EFFECTIVE DATE

Sec. 6. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on October 1, 1985.

(b) The amendments made by section 5 of this Act shall take effect on the date of enactment of this Act.

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike out all after the enacting clause of the Senate bill, S. 1147, and to insert in lieu thereof the provisions contained in H.R. 2290, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2290) was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1383, AGRICULTURAL PRODUCTIVITY ACT OF 1985

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 99-173) on the resolution (H. Res. 201) providing for the consideration of the bill (HR 1383) to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1986

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That during the further consideration in the Committee of the Whole of the bill (H.R. 1872) to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, all points of order for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived against the consideration of the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill and made in order as original text for the purpose of amendment by H. Res. 169. Immediately after the enacting clause of the bill is read following general debate, it shall be in order to consider, before the consideration of any other amendments, the amendment to the committee substitute printed in the Congressional Record of June 13, 1985, by, and if offered by, Representative Aspin of Wisconsin, and said amendment shall be considered as having been read. Said amendment shall be in order although perfecting portions of the substitute which have not yet been read for amendment, shall not be subject to amendment, shall not be subject to a demand for a division of the question in the House or in Committee of the Whole, and shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Aspin and a Member opposed thereto. Immediately after the disposition of said amendment, it shall be in order to consider before any other amendments, the amendment to the committee substitute printed in the Congressional Record of June 13, 1985, by, and if offered by, Representative Dickinson of Alabama, and said amendment shall be in order although perfecting a portion of the bill which has not yet been read for amendment. It shall be in order to consider a substitute for said amendment printed in the Congressional Record of June 13, 1985, by, and if offered by, Representative Mavroules of Massachusetts, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. It shall be in order to consider an amendment to the Mavroules substitute printed in the Congressional Record of June 13, 1985, by, and if offered by, Representative Bennett of Florida, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived.

SEC. 2. After the passage of H.R. 1872, it shall be in order to take from the Speaker's table the bill S. 1160 and to consider said bill in the House, and all points of order against the consideration of said bill for failure to comply with the provisions of sections 303(a), 401(a), and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. It shall then be in order in the House (1) to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 1872 as passed by the House, and all points of order against said substitute for failure to comply with the provisions of clause 5(a) of rule XXI and section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived; and (2) to move that the House insist on the House amendment to said bill and request a conference with the Senate thereon.

□ 1400

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Ohio [Mr. LATTA], and pending that, I yield myself such time as I may consume.

Mr. Speaker, we have a somewhat unusual situation here today in that the rule before us, House Resolution 200, is the second rule reported by the Committee on Rules which deals with the consideration of H.R. 1872, the Department of Defense Authorization Act for fiscal year 1986.

The first rule, House Resolution 169, was adopted by the House on May 15 of this year. It made it in order to consider H.R. 1872, made the Armed Services Committee amendment in the nature of a substitute in order as original text, provided a number of waivers of points of order against the bill and the substitute, made in order at the end of the bill a substitute by Representative DELLUMS, and required that all amendments to the bill or the armed services substitute must be printed in the RECORD. However, that rule did not waive section 303(a) of the Budget Act against consideration of the Armed Services Committee substitute. That waiver is necessary to permit consideration of that substitute because the substitute in a number of instances provides new spending authority for fiscal year 1986, and section 303(a) prohibits consideration of such budgetary legislation prior to the the adoption of a budget resolution for a fiscal year. Because the House was at that time about to take up the budget resolution for fiscal year 1986, the Rules Committee believed it would not be appropriate to allow the armed services substitute to be considered at that time. The committee, therefore, reported a rule which provided for the consideration of H.R. 1872, but did not waive section 303(a) to allow the armed services substitute to be considered. This allowed the House to complete general debate on H.R. 1872, which it did on May 15, but to put off the amendment process until after the House had acted on the budget resolution.

Since on May 23 the House passed House Congressional Resolution 152, the first budget resolution for fiscal year 1986, the Rules Committee has

reported this supplemental rule, House Resolution 200, which will allow the House to proceed with the further consideration of H.R. 1872. I want to point out that the provisions of the original rule, House Resolution 169, are still in effect. The waivers granted by that rule still apply, the Dellums substitute is still in order at the end of consideration of the bill for amendment, and all amendments to the bill or to the Armed Services Committee substitute must be printed in the CONGRESSIONAL RECORD prior to consideration of such amendments.

The rule before the House today provides additional procedures to allow for the further consideration of H.R. 1872 by providing for appropriate waivers, as well as procedures for the consideration of several specific amendments. House Resolution 200 waives section 303(a) of the Budget Act, which prohibits consideration of budgetary legislation prior to the adoption of the first budget resolution, against the Armed Services substitute. The House and Senate are presently in conference on the first concurrent resolution on the budget for fiscal year 1986, and while the authorization levels contained in this defense authorization bill are above those assumed in the House-passed budget resolution, an amendment is made in order by this rule, to be offered by Mr. ASPIN of Wisconsin, which is intended to have the effect of bringing the aggregate spending levels in the bill within the levels assumed in the House-passed budget resolution.

Specifically, Mr. Speaker, this rule provides that immediately following the reading of the enacting clause and before the consideration of any other amendments, it shall be in order to consider an amendment to the committee substitute printed in the CONGRESSIONAL RECORD of June 13, 1985, by Mr. ASPIN. In order to allow the entire Aspin proposal to be considered at the beginning of the amending process, the rule allows the offering of the proposal as a single amendment even though it will amend the first three titles of the bill. The rule provides, therefore, that the amendment is in order even though it will perfect portions of the substitute which will not yet have been read; 1 hour of debate is provided for this amendment, with the time to be equally divided and controlled by Mr. ASPIN and a Member opposed to the amendment. The rule also provides that the Aspin amendment shall not be amendable, nor subject to a demand for a division of the question.

Essentially, Mr. Speaker, this procedure will afford the Members of the House with an early opportunity for a straight up-or-down vote on the policy options embodied in Mr. ASPIN's amendment, as well as an opportunity to make significant reductions in defense spending levels at the outset of the amending process on this bill. I would also note that this will not affect the ability of other Members of the House to offer other amendments that will affect the dollar levels contained in the bill.

This rule also contains procedures for the orderly consideration of three amendments on the MX Program. Immediately following the disposition of the Aspin amendment, the rule makes in order an amendment printed in the CONGRESSIONAL RECORD of June 13, 1985, by Mr. DICKINSON of Alabama. This amendment is made in order although it is perfecting a portion of the bill which will not yet have been read for amendment.

Next, a substitute for the Dickinson MX missile amendment printed in the CONGRESSIONAL RECORD of June 13, 1985, by Mr. MAVROULES of Massachusetts is made in order. All points of order against this amendment for failure to comply with clause 7 of rule XVI, the rule of germaneness, are waived against this amendment. A third MX amendment, printed in the CONGRESSIONAL RECORD of June 13, 1985, by Mr. BENNETT of Florida, is also made in order by this rule as a perfecting amendment to the amendment to be offered by Mr. MAVROULES. All points of order against this amendment for failure to comply with clause 7 of rule XVI, the rule of germaneness, are waived. I would note, Mr. Speaker, that although both these amendments are germane to the bill, for technical reasons the Mavroules amendment is not germane to the Dickinson amendment, and the Bennett amendment is not germane to the Mavroules substitute amendment. Therefore, a waiver of the rule of germaneness is provided for both the Mavroules and Bennett MX amendments.

Mr. Speaker, I would like to stress that although this rule provides a specific procedure for the offering of the three MX amendments I have cited, the rule does not preclude the consideration of other amendments on this subject. Any such amendment must comply with the normal rules of the House, and pursuant to the original rule providing for consideration of this bill, if the amendment amends the bill or the substitute, it must have been printed in the CONGRESSIONAL RECORD prior to consideration of the amendment.

Section 2 of this rule, Mr. Speaker, provides for a hookup with a Senate-passed measure, S. 1160, which is presently at the Speaker's desk. Section 2 of House Resolution 200 provides that after passage of H.R. 1872, it will be in order to take S. 1160 from the Speaker's table and consider the bill in the House. All points of order against S. 1160 for failure to comply with sections 303(a), 401(a), and 402(a) of the Congressional Budget Act are waived.

House Resolution 200 then makes in order a motion to strike out all after the enacting clause of S. 1160 and insert in lieu thereof the provisions of H.R. 1872 as passed by the House. Points of order against this substitute for failure to comply with clause 5(a) of rule XXI and section 303(a) of the Congressional Budget Act are waived. Finally, Mr. Speaker, the rule provides for a motion that the House insist on the House amendment and to request a conference with the Senate.

Mr. Speaker, because it has been necessary for the Committee on Rules to report additional procedures for the consideration of H.R. 1872, our present situation is a little more complex than is normal. I would like to remind my colleagues that the first rule adopted for consideration of this bill, House Resolution 169, remains in force. The provisions of House Resolution 200, which is before the House today, provide additional procedures for the consideration of the Defense Authorization Act for fiscal year 1986.

Moreover, this rule will allow for the expeditious consideration of an amendment offered by Mr. ASPIN which will significantly reduce the aggregate spending level contained in this bill to a level intended to be consistent with the levels assumed in the House-passed budget resolution.

This rule will also allow for the orderly consideration of three distinct and important policy alternatives on the MX Missile Program, while not precluding any Member from offering another alternative on this or other provisions in the bill, as long as the amendment complies with the normal rules of the House and the provisions of House Resolution 169.

Mr. Speaker, I urge adoption of the rule.

□ 1410

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House has already adopted one rule providing for the consideration of the Defense authorization bill.

Of all the numerous provisions in this second rule, only the waiver of section 303(a) of the Budget Act is required in order to allow the House to consider the bill. The Budget Act waivers would not be necessary if action on the budget resolution conference report were completed.

And I just wish I could tell the Members of the House that we are near completion on that Budget Act. The way we are going, we are not going to complete action by the Fourth of July recess, as many of us would hope.

The problem is that section 303(a) of the Budget Act provides that it shall not be in order to consider any bill

providing new entitlement authority until the first budget resolution has been adopted. This bill contains various new entitlement authority provisions. Among those provisions is a pay raise of 3 percent for uniformed personnel effective January 1, 1986. Mr. Speaker, if we want to consider this bill now, rather than wait until after the budget resolution conference report is completed, then the waiver is going to have to be included. The need to go back for this waiver was recognized at the time that the Rules Committee met on the first rule, but the decision was made not to report the Budget Act waiver until after the House had had an opportunity to go through its initial consideration of the budget resolution.

Mr. Speaker, if the Budget Committee had moved in a timely fashion earlier in the year, instead of waiting week after week for the Senate to act, action on the budget resolution conference report could probably have been completed by now and even this budget waiver would have been unnecessary.

Mr. Speaker, once the Rules Committee was scheduled to meet on the budget waiver, then ideas for other provisions to attach to the rule started to surface.

The Rules Committee was asked to allow the chairman of the Armed Services Committee to offer an amendment to reduce the authorization level in the bill to the level in the House-passed budget resolution. Such an amendment was made in order and was made nonamendable, even though the figure in the Aspin amendment may not in fact turn out to be the figure in the final budget resolution conference report.

Then the Rules Committee was asked to make in order a series of three amendments dealing with the MX missile, two of which required waivers of the germaneness rule. These also were permitted.

Finally, the Rules Committee also added a section providing that after completion of action on the House bill, it will be in order to insert the House-passed language in the Senate bill and request a conference.

Mr. Speaker, this rule may be a good reason why we should not grant a rule until the bill is ready for floor consideration.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 169 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1872.

□ 1416

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1872) to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 15, 1985, all time for general debate had expired.

Pursuant to House Resolution 169, the substitute committee amendment now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment and each title shall be considered as having been read.

No amendment to the bill or said substitute shall be in order except amendments printed in the CONGRESSIONAL RECORD.

After the bill has been considered for amendment in its entirety, it shall be in order to consider an amendment printed in the CONGRESSIONAL RECORD of May 16, 1985, by, and if offered by Representative DELLUMS which shall be considered as having been read and shall be debatable before consideration of amendments thereto for 1 hour to be equally divided and controlled by Representative DELLUMS and a Member opposed thereto.

Pursuant to House Resolution 200, it shall be in order to consider immediately after the enacting clause is read and before the consideration of any other amendments, the amendment to the committee substitute printed in the CONGRESSIONAL RECORD of June 13, 1985, by, and if offered by representative ASPIN which shall be considered as having been read, shall not be subject to amendment but shall be debatable for 1 hour equally divided and controlled by Representative ASPIN and a Member opposed thereto. Immediately after the disposition of the Aspin amendment, it shall be in order to consider before any other amendments, the amendment to the committee amendment printed in the CONGRESSIONAL RECORD of June 13, 1985, by, and if offered by Representative DICKINSON.

The Clerk will read the enacting clause.

The Clerk read the enacting clause, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ASPIN: At the end of title I (page 22, after line 23), add the following new sections:

SEC. 111. REDUCTIONS IN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION AND PRIOR-YEAR COST SAVINGS.

(a) ARMY.—The amounts authorized in section 101(a) to be appropriated for the Army are reduced by the following amounts:

(1) For aircraft, $185,400,000.

(2) For missiles, $222,000,000.

(3) For weapons and tracked combat vehicles, $338,600,000.

(4) For ammunition, $323,300,000.

(5) For other procurement, $577,900,000.

(b) NAVY AND MARINE CORPS.—The amounts authorized in section 102 to be appropriated for the Navy and Marine Corps are reduced by the following amounts:

(1) For aircraft, Navy, $635,500,000.

(2) For weapons procurement, Navy, $316,600,000.

(3) For shipbuilding and conversion, Navy, $1,271,800,000.

(4) For other procurement, Navy, $662,800,000.

(5) For procurement, Marine Corps, $144,200,000.

(c) AIR FORCE.—The amounts authorized in section 103(a) to be appropriated for the Air Force are reduced by the following amounts:

(1) For aircraft, $1,955,300,000.

(2) For missiles, $473,100,000.

(3) For other procurement, $620,500,000.

(d) DEFENSE AGENCIES.—The amount authorized in section 104 to be appropriated for the Defense Agencies is reduced by $91,900,000.

(e) NATO COOPERATIVE PROGRAMS.—The amount authorized in section 105 to be appropriated for NATO cooperative defense programs is reduced by $7,100,000.

(f) FY86 PROGRAM REDUCTIONS TO BE FROM COST SAVINGS.—(1) Authorization reductions described in paragraph (2)—

(A) may not be derived through cancellation of any authorized program, stretchout of procurement under any authorized program, or any other change in an authorized program; but

(B) may be derived only through cost reductions under programs of the Department of Defense under this title that are achieved without a change in quantity or quality of goods or services acquired by the Department, including—

(i) reductions due to the rate of inflation for fiscal year 1986 being lower than the rate assumed in the President's budget for fiscal year 1986; and

(ii) reductions due to the elimination of allowances for amounts for inflation for fiscal years after fiscal year 1986.

(2) Paragraph (1) applies to the following amounts under the reductions provided by this section in authorizations of appropriations:

(A) Aircraft, Army, $185,400,000.

(B) Missiles, Army, $197,000,000.

(C) Weapons and tracked combat vehicles, Army, $338,600,000.
(D) Ammunition, Army, $105,700,000.
(E) Other procurement, Army, $327,700,000.
(F) Aircraft, Navy, $554,400,000.
(G) Weapons, Navy, $301,600,000.
(H) Shipbuilding and conversion, Navy, $849,800,000.
(I) Other procurement, Navy, $396,300,000.
(J) Procurement, Marine Corps, $113,300,000.
(K) Aircraft, Air Force, $1,549,300,000.
(L) Missiles, Air Force, $442,100,000.
(M) Other Procurement, Air Force, $321,900,000.
(N) Defense Agencies, $52,900,000.
(O) NATO cooperative programs, $7,100,000.

(g) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The reductions provided by this section in the authorizations of appropriations in this title—

(1) are in addition to any reduction in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any increase in such authorizations provided in any other provision of this Act.

SEC. 112. AUTHORIZATION OF ADDITIONAL TRANSFERS OF PRIOR-YEAR FUNDS.

(a) ARMY.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Army pursuant to the authorizations of appropriations in section 101(a) the following amounts:

(1) MISSILES.—$25,000,000 for procurement of missiles, to be derived from amounts appropriated for fiscal year 1985 for procurement of missiles for the Army.

(2) AMMUNITION.—$111,900,000 for procurement of ammunition, to be derived from amounts appropriated for fiscal years 1984 and 1985 for procurement of ammunition for the Army, of which—

(A) $30,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $81,900,000 shall be derived from amounts appropriated for fiscal year 1985.

(3) OTHER PROCUREMENT.—$218,200,000 for other procurement, to be derived from amounts appropriated for fiscal years 1984 and 1985 for other procurement for the Army, of which—

(A) $79,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $139,200,000 shall be derived from amounts appropriated for fiscal year 1985.

(b) NAVY AND MARINE CORPS.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Navy and Marine Corps pursuant to the authorizations of appropriations in section 102 the following amounts:

(1) AIRCRAFT.—$82,100,000 for procurement of aircraft for the Navy, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Navy.

(2) WEAPONS.—$15,000,000 for procurement of weapons for the Navy, to be derived from amounts appropriated for fiscal year 1985 for procurement of weapons for the Navy.

(3) SHIPBUILDING AND CONVERSION.—$422,000,000 for shipbuilding and conversion for the Navy, to be derived from amounts appropriated for fiscal years 1983, 1984, and 1985 for shipbuilding and conversion for the Navy, of which—

(A) $129,000,000 shall be derived from amounts appropriated for fiscal year 1983;

(B) $100,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(C) $193,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(4) OTHER PROCUREMENT.—$221,000,000 for other procurement for the Navy, to be derived from amounts appropriated for fiscal years 1984 and 1985 for other procurement for the Navy, of which—

(A) $70,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $151,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(5) PROCUREMENT, MARINE CORPS.—$28,000,000 for procurement for the Marine Corps, to be derived from amounts appropriated for fiscal year 1985 for procurement for the Marine Corps.

(c) AIR FORCE.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Air Force pursuant to the authorizations of appropriations in section 103(a) the following amounts:

(1) AIRCRAFT.—$406,000,000 for procurement of aircraft, to be derived from amounts appropriated for fiscal year 1985 for procurement of aircraft for the Air Force.

(2) MISSILES.—$31,000,000 for procurement of missiles to be derived from amounts appropriated for fiscal year 1985 for procurement of missiles for the Air Force.

(3) OTHER PROCUREMENT.—$282,000,000 for other procurement, to be derived from amounts appropriated for fiscal years 1984 and 1985 for other procurement for the Air Force, of which—

(A) $86,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(B) $196,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(d) DEFENSE AGENCIES.—There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Defense Agencies pursuant to the authorization of appropriations in section 104 the amount of $36,000,000, to be derived from amounts appropriated for fiscal years 1984 and 1985 for procurement for the Defense Agencies, of which—

(1) $15,000,000 shall be derived from amounts appropriated for fiscal year 1984; and

(2) $21,000,000 shall be derived from amounts appropriated for fiscal year 1985.

(e) AUTHORIZATION OF TRANSFERS SUBJECT TO PROVISIONS OF APPROPRIATIONS ACTS.—Transfers authorized by this section may be made only to the extent provided in appropriation Acts.

(f) SOURCE OF TRANSFERRED FUNDS.—(1) All amounts transferred under this section shall be derived from funds described in this section that remain available for obligation.

(2) Except as provided in paragraph (3), such funds—

(A) may not be derived through cancellation of any program, stretchout of procurement under any program, or any other program change; but

(B) may be derived only through cost reductions (including reductions due to rates of inflation being lower than rates assumed when such funds were budgeted) under programs for which such funds were authorized and appropriated that are achieved without a change in the quantity or quality of goods or services acquired by the Department of Defense.

(3) Funds for the transfer authorized by subsection (a)(2)(B) may be derived from the light-weight multipurpose weapon system, and funds for the transfer authorized by subsection (a)(3)(B) may be derived from the Single Channel Objective Tactical Terminal program.

SEC. 113. REPORT.

Before the Secretary of Defense may implement a program change under a reduction subject to section 111(f) or under a transfer under section 112, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the programs in which such reductions will be made in accordance with section 111(f) and the programs that are the source of the funds transferred under section 112.

At the end of title II (page 29, after line 14) add the following new section:

SEC. 207. REDUCTIONS IN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION AND PRIOR-YEAR COST SAVINGS.

(a) REDUCTIONS IN AUTHORIZATIONS.—The amounts authorized in section 201 to be appropriated are reduced by the following amounts:

(1) For the Army, $89,000,000.

(2) For the Navy (including the Marine Corps), $194,000,000.

(3) For the Air Force, $270,000,000.

(4) For the Defense Agencies, $47,000,000.

(b) FY86 PROGRAM REDUCTIONS TO BE FROM COST SAVINGS.—(1) Authorization reductions described in paragraph (2)—

(A) may not be derived through cancellation of any authorized program or any other change in an authorized program; but

(B) may be derived only through cost reductions (including reductions due to the rate of inflation being lower than the rate assumed in the President's budget for fiscal year 1986) under programs of the Department of Defense under this title that are achieved without a change in the quantity or quality of goods or services acquired by the Department.

(2) Paragraph (1) applies to the following amounts under the reductions provided by subsection (a) in authorizations of appropriations:

(A) For the Army, $4,000,000.

(B) For the Navy (including the Marine Corps), $11,000,000.

(C) For the Air Force, $14,000,000.

(c) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The reductions provided by subsection (a) in the authorizations of appropriations in section 201—

(1) are in addition to any reduction in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any increase in such authorizations provided in any other provision of this Act.

SEC. 208. AUTHORIZATION OF TRANSFERS OF PRIOR-YEAR FUNDS.

(a) AUTHORIZED TRANSFERS.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for research, development, test, and evaluation for the Armed Forces pursuant to the authorizations of appropriations in section 201 the following amounts:

(1) ARMY.—$85,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Army.

(2) NAVY.—$183,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and

evaluation for the Navy (including the Marine Corps).

(3) AIR FORCE.—$256,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Air Force.

(4) DEFENSE AGENCIES.—$47,000,000, to be derived from amounts appropriated for fiscal year 1985 for research, development, test, and evaluation for the Defense Agencies.

(b) AUTHORIZATION OF TRANSFERS SUBJECT TO PROVISIONS OF APPROPRIATIONS ACTS.—Transfers authorized by subsection (a) may be made only to the extent provided in appropriation Acts.

At the end of title III (page 38, after line 10) add the following new section:

SEC. 308. REDUCTIONS IN AUTHORIZATIONS DUE TO SAVINGS FROM COST SAVINGS.

(a) REDUCTIONS IN AUTHORIZATIONS.—The amounts authorized in section 301 to be appropriated are reduced by the following amounts:

(1) For the Army, $282,700,000.
(2) For the Navy, $632,600,000.
(3) For the Marine Corps, $18,000,000.
(4) For the Air Force, $266,900,000.
(5) For the Defense Agencies, $244,000,000.
(6) For the Army Reserve, $19,100,000.
(7) For the Navy Reserve, $45,900,000.
(8) For the Marine Corps Reserve, $4,200,000.
(9) For the Air Force Reserve, $11,000,000.
(10) For the Army National Guard, $28,000,000.
(11) For the Air National Guard, $24,600,000.

(b) PROGRAM REDUCTIONS TO BE FROM COST SAVINGS.—Authorization reductions described in subsection (a) may be derived only through cost reductions (including reductions due to the rate of inflation being lower than the rate assumed in the President's budget for fiscal year 1986) under programs of the Department of Defense under this title that are achieved without a change in the quantity or quality of goods or services acquired by the Department.

(c) INTEGRATION WITH OTHER PROVISIONS OF ACT.—The reductions provided by subsection (a) in the authorizations of appropriations in section 301—

(1) are in addition to any reduction in such authorizations provided in any other provision of this Act; and

(2) are provided notwithstanding any increase in such authorizations provided in any other provision of this Act.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it would be worth it, I think, to talk a little bit about how it is that we came to this amendment and what I am trying to do with the amendment.

As the House will recall, the bill that we had passed out of our committee and debated under general debate on the House floor a couple of weeks ago was a bill that came forward before we passed a budget resolution in the House. We had in our committee, the Armed Services Committee, marked up to a level of last year's budget plus inflation.

□ 1420

We had in our budget the amount of money that would cover last year's level, plus the rate of inflation, and we had kind of guessed that is where the Budget Committee was going to come out, and that is what we marked up to.

We reported that bill out and began the general debate on the floor on that bill. Since then, the Budget Committee came out with their resolution, and because of the necessity of moving the budget before anything else in the House, the Armed Services Committee bill was taken from the floor and the budget resolution was put on the floor.

The budget resolution that passed the House had a different number for defense than we had. What they had in was last year's level, period. So they just had the amount of money in there for last year's level; we were marking up to a level of last year's level plus inflation. A difference of some $10 billion between the two resolutions.

Mr. Chairman, I know that there are a number of people who want the opportunity to say that what they voted for in defense is consistent with the budget resolution. That being the case, I thought it was best that we come up with an amendment to offer at the beginning of the process; to offer an amendment at the beginning that would make us conform with the budget resolution, and frankly, Members in the House can vote for it or vote against it as they like. I do not offer this with any great deal of feeling behind it. Because I think that what we had in our bill was closer to the right amount that we ought to be spending on defense than was the budget resolution.

Given the fact that the budget resolution did pass this House, and was a different number, I think it is important that we offer an amendment right at the top to make the defense bill in conformity with the budget resolution. I tell the Members in the House to vote the way you want; I am not urging one way or another. I personally am going to vote for the amendment, but I think everybody can vote for it or vote against it as they wish.

Let us get the issue decided way up at the front: Is the budget going to have an impact on the amount of money in the authorization bill? As Members of Congress know, there is no technical reason why the authorization bill has to conform to the budget resolution. The appropriations bills have to conform to the budget resolution; not the authorization bills. So if people want to vote no on this resolution, they are perfectly justified in doing so on the grounds that the authorization bill is not controlled by the budget resolution.

What is controlled by the budget resolution will be the appropriations bill that will come later in the process. So vote as you like; you can justify a vote for this amendment or a vote against this amendment. But it does give people an opportunity, if they desire, to bring the defense bill into line with the budget resolution.

Let me tell you what this bill does. And it does it, I think, in a way that is least harmful to what we are trying to do in the defense bill.

There are two parts to the $10 billion cut that I am offering in this amendment. The first part is $4.4 billion that comes from Secretary Weinberger's proposal to the Senate to cut $4.4 billion out of their budget. That extra cut was presented to the Senate after we had marked up our bill, and we have checked with the Pentagon and the savings that Secretary Weinberger has suggested to the Senate bill also apply to the House bill. So the first thing we can do, if you are interested, is to take out the $4.4 billion that Secretary Weinberger says that he does not need and was taken out of the Senate bill; we can also take it out of the House bill. That one I would vote for in any case. If they do not want it, it does not make any sense for us to keep it in.

The second part of this is a change in the way in which we do inflation. As I reported to the Members of the House some weeks back, and I know that many members of the committee are aware, the way we deal with inflation in the defense budget is not a very exact science, nor is it very satisfactory from a budgetary standpoint. Because of the need, to fully fund weapons systems, we have to also make an estimate for inflation in the years ahead. Let me give you an example.

If we have a weapons system that takes more then 1 year to build, and in the case of ships, it may take 7 or 8 years to build, we have to fully fund that weapons system right up in the first year in which it is funded. That is the practice since the 1950's when we wanted to avoid the camel's nose under the tent, we fully fund weapons systems in the year in which we authorize them. We put in all of the money to build the system in 1986, even though we might be building that weapons system out until 1992 in the most extreme case.

When we do that, out to 1992, of course there is inflation in each of the years between now and 1992, and we have to estimate what that rate of inflation is. The rate of inflation in each of those years is a very, very inexact science. Lord knows, it is tough enough to figure out what the infla-

tion rate is going to be for 1986 sitting here in 1985. It is virtually impossible to know what the inflation rate sitting here in 1985, what the inflation rate is going to be for 1987, 1988, 1989, et cetera.

What we are saying here, and what I was saying in a report that was made to Congress before is that there ought to be a different way of doing this. Maybe we ought to have a revolving fund. Maybe what we ought to do is just annually authorize the amount for inflation. In any case, I asked the Secretary of Defense to have a look at it, and there is some correspondence going back and forth about treating the rate of inflation.

What I have done in this amendment is to take out the future funding for the rate of inflation out of this bill. $5.6 billion worth of future inflation that is in the bill because we have to fully fund the program. What we have in here is funding for the inflation rate expected in 1986, but we have taken out the inflation rate, or at least most of the inflation rate expected for years beyond 1986. What we have come up with is a total cut of $10 billion to this bill.

It is a bill now, then, that does not affect any of the weapons system levels in this bill for funding. In other words, we have not changed the number of M-1 tanks, the number of F-16 planes, or whatever it is that is in this bill, we have not changed those numbers. Those numbers remain the same. What we have done is take out the money for future inflation.

It seems to me that this amendment is the best way to go. We do not know what the Budget Committee's final resolution on defense is going to be. We know what the House position is, which is last year's level, period. We know what the Senate Budget Committee's position on defense is: Last year's level plus the rate of inflation. We do not know where that conference is going to come out. Is it going to come out at our level, the Senate level, or something in between?

Second, even if we knew that level, it is an absolute fact that the authorization bill, by law, does not have to pass, does not have to conform to the budget resolution. The appropriation bill does, but the authorization bill does not.

So given those uncertainties, number one, we do not know where this thing is going to come out. Number two, what we really have to worry about is the appropriation bill conforming to the budget resolution, and, that appropriation bill has to conform to the budget resolution. It gives us some numbers to play with and we are going to have to work this thing out in conference as to what we do with the various weapons systems that are going to be offered.

The one advantage of passing this budget resolution is that it will take the pressure off of various amendments later in the process. Some may think this is an advantage; some may think it is a disadvantage. But if we are discussing various amendments in the future in this bill, amendments that will cut, the added argument for this amendment is that it will bring down to conformity with the budget resolution.

□ 1430

People who want to offer amendments further in this bill, who want to add, will find themselves swimming upstream against an attitude, "Well, you are further making this budget out of synch with the budget resolution."

So the argument, I think, is what we ought to do is take this amendment, pass it, make it consistent with the budget resolution, and then look at the various amendments as they come along and judge them on their merits. If people want to vote for SDI or against SDI, they ought to be doing it on the merits, not because the budget is over or under the budget resolution when that amendment comes up.

If somebody wants to vote for additional money for something, they ought to be able to vote for it on its merits; not for or against it because the committee bill is over the budget resolution when the amendment comes up.

So I think that given the tough spot we are in, we do have an opportunity here and in the committee to bring it into conformity with the budget resolution, and I offer the amendment and will let the House work its will on the amendment.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman, I think, explained the amendment very well. The gentleman further said that the authorization bill, and he is correct, has to have funding for outyears of weapons projects, part of that funding being the cost of inflation.

The question is: Does the appropriation bill as well take into consideration outyears for inflation?

Mr. ASPIN. The gentleman is correct.

Mr. COURTER. Both of them will have to do that. I thank the gentleman very much.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

Mr. Chairman, for several years I have been sounding an alarm as our national deficit continued to climb to its $200 billion per year that we would one day have to reign in our runaway defense spending. Now that day is here. The fiscal crunch has finally caught up with the Pentagon wish list, and I would like to sound another concern.

In reducing our deficit, we must not sacrifice our defense posture to that which is politically easy. We must resist the temptation, first, to cut into operations and maintenance, with consequent loss in readiness and sustainability; and second, to stretch out weapons procurement instead of scrapping marginal weapons programs. Such stretch-outs could result in a consequent rise in per-unit cost and ultimately yield less bang for the buck, not more.

I, therefore, would like to ask the distinguished chairman of the Committee on Armed Services to comment on these issues, and I defer to the gentleman to respond on the first of these questions.

Does the bill, with his proposed amendment, achieve its savings by compromising on readiness and sustainability?

Mr. ASPIN. Let me answer the gentleman's remarks by saying that the only cuts in the operations and maintenance account in this amendment is $1.6 billion which was recommended by the Secretary of Defense. We are following the recommendations of the Secretary of Defense. Nothing else that we are doing in this bill affects the O&M account.

Mr. GREEN. I thank the gentleman for his response and I now would like to turn to the second issue.

Does the bill, with the gentleman's proposed amendment, achieve its savings simply by stretching out procurements, which we all know will in the end simply buy us less for more, or does it make some hard choices that have to be made if we are going to run our procurement at efficient rates?

Mr. ASPIN. The gentleman is putting his finger on what I think is a very, very important issue. I commend the gentleman for his concerns.

Our amendment does not stretch out any weapons systems at all. Indeed, in the bill that we were dealing with, and the Procurement Subcommittee of the gentleman from New York [Mr. STRATTON] was most involved in this, we tried in as many cases as we could to deal with this issue by terminating weapons systems rather than just stretching out weapons systems.

I think we have further to go on this, but I think the subcommittee of the gentleman from New York has made a great effort at this.

But to answer the gentleman's question, this amendment does not stretch out any weapons systems.

Mr. GREEN. I thank the gentleman for his response.

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I would be happy to yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

Mr. Chairman, I rise to commend the gentleman for his amendment and to thank him for offering it and for seeking a rule which permitted it to be offered at the beginning of the bill.

As the gentleman says, a particular proponent of an amendment might or might not like to have this question decided up front, but I think it is appropriate that the House have the opportunity to go on record conforming this authorization bill to the budget level, to the 1985 spending levels. I think the House has indicated its interest in doing that in each and every authorization bill that has come before the House, and I think it is appropriate that we do it here.

I think the procedure that is being employed is a good one, and I think on the merits of the amendment it is a good one. Obviously, as we go down the road and we come to the end of the bill, other choices may be made by the House and there may be things to be done in conference. But I would hope we would have a vote on this amendment which would make clear, and make clear in the conference, that this is a House position that is not just a bargaining position but is a position that is strongly held, because I think it is a policy that the House has set forth not only in the defense area, but across the board as we have voted on authorizations throughout the process.

Mr. ASPIN. I commend the gentleman for his statement and thank him very much for his comments. I would remark that the gentleman from Connecticut is becoming the watchdog of the budget process, and I commend him for his consistency. What we have in this place, of course, is people who are willing to be tough and freeze some programs and not others, but a person who does it across the board is the only way, as the gentleman knows, that we are going to deal with the budget deficit.

I commend the gentleman for his initiative and for making the effort and leading the effort on this, not only on this bill but on the other domestic programs that we have had authorization bills for so far.

Mr. MORRISON of Connecticut. I thank the gentleman.

Mr. COURTER. Mr. Chairman, will the gentleman yield for one further question?

Mr. ASPIN. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman indicated that of the $10 billion that the amendment is supposed to save, or take out from the defense authorization bill, approximately $5.6 billion is for that future inflation factor.

The question I have is: Does it eliminate the inflation factor, or reduce it percentage-wise?

Mr. ASPIN. It reduces it. The future inflation factor in the weapons account, over and above what is necessary for 1986, or what we think is necessary for 1986, is $8.2 billion.

Mr. COURTER. It is about 60 percent.

Mr. ASPIN. About 60 percent.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Wisconsin [Mr. ASPIN] has consumed 18 minutes.

The Chair now recognizes the gentleman from Alabama [Mr. DICKINSON] for 30 minutes in opposition to the amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment and the proposed cuts contained therein. I think that our chairman has fairly stated the situation. We had a lot of discussion and were told that in order to bring the bill to the floor that it was at least advisable to make it conform to the House Budget Committee's mark.

At the time that we met and marked up our bill, we did not have that guidance from the Budget Committee. We did not know what figure they would recommend. We knew that the Senate at first had come up with a 3-percent growth plus inflation. It was to that figure that we marked, knowing that we would not go that high in the House budget, but using our best judgment based on prior performance, we marked to a lesser figure.

After we had marked, the Senate came back and marked to zero-growth plus inflation, and that was approximately to what the House had marked, too; zero plus about 4 percent.

After we had done this, the House Budget Committee met and they came up with a zero growth and zero inflation. We were caught between those two figures but that was something we felt we could live with because we realized that until the House and Senate Budget Committees get together and reconcile their differences, there is no final budget figure.

So for this reason, it was my feeling that it was unnecessary for us to delete this additional $10 billion because, after all, we do not have a final budget figure. If we did, it would still just be a target figure, and in addition to that, the budget is supposed to be binding only on the appropriations process and not the authorization process. So we are really not, by the House rules, legally bound by it.

□ 1440

It was my feeling that we should maintain our flexibility. There is no need to delete this additional $10 billion to come to a zero-zero figure, because that gives us some flexibility so that we could go forward with the bill that our committee reported and that we had cut very severely as it was. As a matter of fact, in the administration's request when they came over for the defense authorization bill, they were asking for $322 billion. We were not willing to mark to that figure, and our committee, before the Budget Committee did anything, reduced this figure by $19.6 billion. So we had already cut it almost $20 billion.

Now, with the proposed reduction offered by my chairman, this would mean that it would be $29 billion, almost a $30 billion cut from the administration's request.

I think that is unwise. I think it is unnecessary to cut this deeply into the defense bill. Think what this will do now to the bill if we in fact approve this reduction. If we come along and approve this reduction and have a zero-growth and zero-inflation figure, then, with all of the proposed cuts to follow—and I can assure the Members of the House that there are quite a few amendments to be offered that will reduce this bill; as a matter of fact, there have been over a hundred amendments printed in the RECORD as of this date, proposed amendments to this bill—then this means that those amendments that pass subsequent to this that reduce the bill will take it to a negative growth, take it below zero-zero.

For instance, it is my proposal to limit the MX missile program to 50. We would propose a pause and not build 21 this year if my amendment is adoped. This would reduce the request from 21 down to the 12. This means that this bill will be reduced by $228 million.

If the Mavroules amendment should pass and cap it for those years, it would reduce it over $1 billion. There is a very hotly contested issue that will be debated probably tomorrow on the binary or the chemical weapon. There is $124 million in there. If we take that out, that will be an additional $124 million reduction below the zero-zero figure. This is before we even get to the SDI, the so-called star wars program. There are any number of amendments out there running from $1 billion to something less that would reduce that program.

So the programs of the MX, the binary round, and the SDI have proposed or anticipated cuts running up

to a couple of billion more than the committee has come up with.

I think it is unwise at this time to say that we are going to cut $10 billion out, down to zero-zero, in the face of the threatened cuts that are coming from members of the committee and from members of the Committee of the Whole. These cuts would result in a real negative growth in this year at a time when we know that we are falling behind the Soviets in our level of effort and when we need to be shoring up our efforts.

It is unfortunate that we have a climate developing in the House and through the country coming out of the horror stories of the past of waste, fraud, and abuse, from the $600 toilet seat, and the $600 ashtray, to the $400 clawhammer. All of these horror stories build one on the other to the point where there is a general erosion of confidence in our ability to govern or the ability of the Department of Defense to govern its affairs and spend its money wisely. I regret that this is so.

It was for this reason that I urged the President to impanel a special blue-ribbon panel and to ask some of the msot prestigious people he could who were knowledgeable in the field to study the overall problem. The President has done this. Yesterday, from the Rose Garden and the White House, he announced the appointment of Dave Packard, who chairs this special blue-ribbon panel to deal with the subject of waste, fraud, and abuse of procurement and of accounting. Also I am sure that the charter will be broad enough to look at the culpability of all involved, which includes the Congress, OMB, the administration, the contractors, and the Department of Defense.

I would hope, in the face of the 40-odd amendments that are proposed to correct our procurement process, we will first allow the experts to come up with a solution. We can later put this into law and not try to legislate on the floor in a piecemeal fashion each individual solution to the horror stories that we hear. Unfortunately, though, as I say, this situation has built up in an atmosphere of general erosion of confidence that is reflected and spills over in the bill and amendments thereto. It seems that many people want to be punitive and want to punish those people. That is not what we should do. It is certainly not in the best interests of our country.

The mandate that our committee, the Committee on Armed Services, has is to provide for the general welfare and the defense of this country. That is what we have conscientiously attempted to do, and that is the product that we bring the Members in this bill.

So when we come down to zero growth, real growth, only allowing for inflation, we think this is a reasonable approach. To go further than that, I think, is to take it too far. To say we should have zero growth and not even allow for inflation means that we automatically have a negative growth. If we do that and start making additional cuts for SDI, MX, binary, and all the other weapons systems we have to deal with, then we are not only going down to zero this year. We are going below zero as we subtract the inflation for this year. We are cutting very, very far into our defense capabilities and coming up with a very serious situation that we will be years in correcting if we go down that path. I think that would be shortsighted.

Mr. Chairman, I urge a no vote, and I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] has consumed 10 minutes.

Mr. ASPIN. Mr. Chairman, I have no further requests for time.

Mr. DICKINSON. Mr. Chairman, I yield 7 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I thank the gentleman from Alabama for yielding me this time.

I certainly recognize and appreciate the arguments of the chairman of the committee. I think some of those arguments have some merit. I am concerned about the proposal for two reasons.

First of all, the functional result of the proposed amendment, the amendment we will soon be voting on for reduction of $10 billion in the authorization process for fiscal year 1986 in the DOD function, limits, as was explained by the gentleman from Wisconsin, $5.6 billion from inflation in outyears.

There was, I think, a very legitimate public reason why outyears of inflation were to be included in the cost of weapons systems. It was to give the Members of Congress, the Members of both bodies, the public, and the administration disclosure as to the true cost of a weapons system when we authorize it or appropriate it. As we all know, it takes sometimes 7 years, 8 years, or 9 years to build some weapons systems. Aircraft carriers, for example, take a long period of time.

The result of this amendment, by eliminating 60 percent of the anticipated inflation in the future growth of a weapon, means we will not be able to get the true picture as to the cost of an individual weapons system. Therefore, I think this amendment, although certainly it is very well-intentioned and apparently gets us around a difficult problem, basically camouflages and eliminates from the law the ability to give the public, the American people, a real honest look at the true cost of a weapons system before we buy it.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I thank the gentleman for yielding.

I think the gentleman is making a very important point here. I can recall myself a few years ago reading the cries of "overrun" in the press about certain weapons systems, and when you read the fine lines in the article, you learned that what they were talking about was that we had inflation in the pricing of that weapons system and instead of the airplane costing $5 million, it was now $8 million or $9 million. So in those years the Pentagon, if anything, was purposely understating the inflation factor to make the defense budget look good.

□ 1450

It seems to me what we are talking about, what we are flirting with, is going back to that very same procedure and when we get there, we are not going to like it. I thank the gentleman for making that point.

Mr. COURTER. I thank the gentleman for his contribution.

We, in essence, are doing the precise thing that we criticized the Pentagon for doing during the years 1979, 1980, 1981 and I believe 1982. We kept on getting quite irritated at the Department of Defense for underestimating what the inflation figure, making the weapons systems look small, making them look good, making them look more palatable, making them look more viable, making it look more affordable, to the American people. Therefore, this amendment precisely does what we criticized the Department of Defense for doing a few years ago. In fact, it is worse, because a few years ago the Pentagon at least made a good-faith effort as to what they thought future inflation will be. This is not even that. This is not a good-faith effort. This is an assumption that inflation is going to be one figure and we take 60 percent of that figure and say that is savings. It is bogus savings. There is no real savings here at all.

Granted, I am one here who stands saying that we are underspending for the defense function. But at least I believe we should let the American people know the true cost of weapons systems and not do today what we blamed the Department of Defense for doing a few years ago. That is one unfortunate result of the amendment.

The second was articulated very well by the ranking minority member of the Armed Services Committee [Mr. DICKINSON]. The result here is that if we affirmatively vote this $10 billion of savings for fiscal 1986, then we reduce the authorization by that sum of money, to conform it to 1985.

But what happens then is that we are faced with a series of further amendments. I think there have been 60 in the CONGRESSIONAL RECORD.

There are probably another 60 or 65 amendments that we know of. About 95 percent of the amendments that deal with budget items, that deal with cost factors, are urging reductions and not increases.

No one can persuade me that each one of those amendments are going to be beaten. No one can persuade me that this will take the steam out of the Dellums amendment. Nothing is going to take the steam out of RON DELLUMS' amendment. the gentleman from California is going to talk as articulately as the gentleman possibly can with regard to the need of further reductions in SDI or further reductions of MX. The gentleman is not going to be set off the track. He is not, nor the author of any other amendment is going to say, "Well, now my amendment is not so serious because we finally reached the level of authorizations that I wanted."

The functional result then will be a reduction in authorization of $10 billion for 1986 compounded by further reductions in authorizations, because some of those amendments are going to pass. And what this House then is going to be faced with is not a 1985 plus inflation, not 1985 authorization with zero inflation, but a real reduction from 1985. A real reduction greater than 4 percent.

So we are setting the scene for not only a real reduction in defense spending, but a reduction over 1985 levels, and I want the Members on both sides of the aisle to actually know that that in fact is what is going to happen. That is the functional result of this amendment.

There is another way around our problem. I would have suggested that this amendment be brought at the end of the bill so the amendment could have taken into consideration the real savings of the Dellums amendment, the real savings in other types of amendments. That would have been the proper way to do it. When the bill is completed, have a conforming amendment looking to find out what types of savings we actually made during the process as the days unfold.

I thank the gentleman for yielding to me and I yield back the balance of my fleeting moments.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding.

I would like to take a little different twist on this argument, because I can agree essentially with what the chairman is trying to do in light of the fact that we have had the revelations about inflation. I think the debate still exists whether we reprogrammed, did we turn back money that we should have.

I think it is fair to say that there are great questions in that area and I think it is fair to say that in light of those revelations, combined with the fact that we have had about $1.1 trillion in budget authority over the last 4 years, I do not think it is irresponsible for this Congress or this House to freeze defense spending at the fiscal year 1985 level.

Now, I do not think that defense which represents about 26 percent of the budget can continue over the long haul to represent 50 percent of deficit reduction, but I think that for 1 year in light of all these revelations, it would be fair to do that; however, and I think the point has been articulated well by the gentleman from Alabama [Mr. DICKINSON] and the gentleman from New Jersey [Mr. COURTER], if you reduce $10 million off the bat before we even begin to mark up this bill, I can tell you that I think it is fair to project that there is probably about $1.2 billion in reductions that we are going to see on MX, if there is an MX cut, and I think there is a good possibility that will happen.

On SDI, we are talking about an additional $400 million.

There is also an amendment that is going to be offered that will cut 10 percent from the procurement function, which will save about $9 billion, if that amendment would happen to be passed.

Now, in addition to that, let us assume that at the end of this bill somebody stands up and says, "Let's cut 1 percent, 1 measly percent from the defense budget," and that passes, we are talking about an additional $3 billion; so to add up the MX savings and the SDI, we are up to about $1.7 billion. If we add the binary munitions cut, and I think you can argue that some of these things may in fact happen, we add into that the 1 percent across-the-board cut, which I think is likely to be offered, and then we are talking about being $5 or $6 or $7 billion under what the Budget Committee wanted.

Now for those who are interested in having a freeze at the fiscal year 1985 level, I am with you. I would be willing to do that and I approach the gentleman from Wisconsin [Mr. ASPIN] early on to say:

Look, Mr. Chairman, let's have this amendment offered at the end of this bill so that if we are in fact above the budget recommendation, we can move to take into account the inflation savings and a variety of other things and meet the Budget Committee target.

But to do it early on and then to make further cuts is wrong. I say this to my friends on my side of the aisle who are concerned about freezing defense at the fiscal year 1985 level, that an amendment at the end of this bill to move it at the fiscal year 1985 level, we could all support; but to do it right now, $10 billion off the bat, is too much.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I would be glad to yield.

Mr. MAVROULES. Mr. Chairman, just to help out this colloquy, that is all, the gentleman points out very correctly that there could be other cuts in view of some of the amendments that will be offered; but what the gentleman has not stated, and I think we ought to put on record, is that we are going to add money to the bill.

Mr. KASICH. Let me just reclaim my time and tell the gentleman from Massachusetts, I agree with him. All I am arguing is that we ought to try to reconcile ourselves with what the Budget Committee recommended at the end of the bill when we see where we are; but what I fear is that what we are going to do is pass the $10 billion reduction now, which puts us at the fiscal year 1985 freeze, which many of my conservative colleagues support; but then we move from there. We cut SDI.

We move from there. We cut MX.

We move from there. We take a 1-percent reduction across the board.

We move to the 10-percent reduction in procurement, which is $9 billion.

The next thing you know, we are cutting $10 billion or $15 billion beyond what the House Budget Committee has said.

I know the chairman shakes his head, but if we get across-the-board cuts in any of these areas, we are talking big dollars.

So all I would do is ask the chairman to defeat this amendment now.

I ask my colleagues who are concerned about deficit reduction to defeat this amendment and let us reconcile ourselves at the end.

A fiscal year 1986 defense freeze is fine; but let us do it at the end of the bill. Let us not go even deeper than that and let us not forget that in the out years we cannot make deficit reductions occur so easily with defense, which is taking 50 percent of the reductions.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. KASICH. Yes.

Mr. COURTER. Mr. Chairman, would the gentleman say that the amendment, although brought with good intentions, is basically a subterfuge to reduce defense spending below the 1985 levels?

Mr. KASICH. Would the gentleman repeat that?

Mr. COURTER. Would the gentleman say that the functional result of this amendment is a subterfuge to reduce defense spending below the 1985 levels?

Mr. KASICH. I think what the Chairman is trying to do is he is trying to grab the high ground and he is trying to say that if we cut the $10 bil-

lion, then we take the wind out of the sails of anybody that wants to do any more; but I think there is all likelihood that we are going to see reductions in SDI.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio [Mr. KASICH] has expired.

Mr. DICKINSON. Mr. Chairman, I am pleased to yield 1 additional minute to the gentleman to conclude.

Mr. KASICH. Mr. Chairman, I think what we are going to see is we are going to pass this $10 billion reduction, as the gentleman from New Jersey says; but I think we will also see MX and SDI amendments which will take us below where even the House Budget Committee wanted to go.

□ 1500

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may need.

Let me just respond to a couple of points.

First of all let me say at the outset that I understand there are good arguments for voting against this amendment and I pointed them out. We do not know where the budget resolution is going to come out.

In any case, the budget resolution does not apply to the authorization bill. If you do not want to vote for it, there are good arguments. I can argue it either way. I am going to vote for it and I think that we ought to offer, as a committee, we ought to offer the position to the Congress as to whether they want to have this kind of a change in the thinking going into the consideration of the bill, before they move to the consideration of the bill. And I am offering it.

If the House votes for it, fine; if they vote against it, that is fine with me, too.

But let me just respond to the points raised by the gentleman because I think it is important. First of all, this inflation number is a real problem. We do not know what that inflation number is.

When we project in the out years we do it badly. In the late 1970's we underestimated inflation. In the early 1980's we overestimated inflation. In the late 1970's we put in too little money for defense programs. In the early 1980's we put in too much money for these programs.

What I am suggesting by this amendment is that what we ought to do is fund inflation a year at a time. It seems to me that regardless of how we feel about amendments, that this is an idea that ought to be discussed, and I would like to surface it at the conference with the Senators if we pass this bill.

Let me just finish, however. We all know that springing a new idea on the other body like this is not likely to bring cries of joy over on that side. If this amendment is not accepted exactly the way we have it in the other body, we go back to the level of the bill and argue about the levels in the bill that we have right now. Or with whatever changes that we make between now and the end of the bill when we consider it over the next few days. So we will be negotiating with the other body to certain budget levels that are already in this bill for various weapons systems. That is not going to change.

We may be under some constraint to offer up, eventually bring out a budget resolution that is at least nominally consistent with where the conference is, if there is a budget conference in the meantime before there is a Senate conference. But in the meantime we are arguing the levels in this bill of MX, F-15's, whatever it is, whatever we pass, and that is going to be our going-in position and that is what we are going to argue about with the other body.

A third point, the gentleman is correct that this is not going to affect RON DELLUMS' amendment or the others. But I will tell you that it will affect a couple. That 10 percent across-the-board cut on procurement I think will be affected. I mean people are more likely to vote for a 10 percent across-the-board cut in procurement if the bill we are dealing with is over the budget resolution than if the bill we are dealing with is at the budget resolution. I think it will affect some places.

Finally, the gentleman says we could have brought this up at the end. Let me make a deal. If at the end of the bill we are below last year's level, just last year's level, if the gentleman will offer, I will cosponsor, an amendment to add back whatever inflation we have got to make it consistent with a flat freeze. In other words, let us suppose we end up at $2 billion below. We will put the $2 billion more into the bill for inflation.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman. I am not going to stop opposing his amendment because of that offer, but I accept the offer nevertheless, and I am glad to share the cosponsorship of that amendment.

Mr. ASPIN. If that will get me any votes, the deal is on.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 115, not voting 17, as follows:

[Roll No. 165]

AYES—301

Ackerman	Feighan	Martinez
Akaka	Fish	Matsui
Alexander	Florio	Mavroules
Anderson	Foglietta	Mazzoli
Andrews	Foley	McCloskey
Annunzio	Ford (TN)	McCurdy
Anthony	Fowler	McGrath
Applegate	Frank	McHugh
Aspin	Frenzel	McKernan
Atkins	Frost	McKinney
AuCoin	Fuqua	Meyers
Barnes	Garcia	Mica
Bates	Gaydos	Mikulski
Bedell	Gejdenson	Miller (CA)
Beilenson	Gephardt	Miller (WA)
Bennett	Gibbons	Mineta
Bereuter	Gilman	Moakley
Berman	Glickman	Mollohan
Bevill	Goodling	Monson
Biaggi	Gordon	Moody
Boehlert	Gradison	Moore
Boggs	Gray (IL)	Morrison (CT)
Boland	Gray (PA)	Morrison (WA)
Boner (TN)	Green	Mrazek
Bonior (MI)	Gregg	Murphy
Bonker	Guarini	Murtha
Borski	Gunderson	Natcher
Bosco	Hall (OH)	Neal
Boucher	Hamilton	Nowak
Boxer	Hammerschmidt	Oakar
Breaux	Hansen	Oberstar
Brooks	Hatcher	Obey
Broomfield	Hawkins	Olin
Brown (CA)	Hayes	Ortiz
Brown (CO)	Hefner	Owens
Broyhill	Heftel	Panetta
Bruce	Henry	Parris
Bryant	Hertel	Pease
Burton (CA)	Hopkins	Penny
Bustamante	Horton	Pepper
Carper	Howard	Perkins
Carr	Hoyer	Petri
Chandler	Hubbard	Pickle
Clay	Huckaby	Porter
Clinger	Hughes	Price
Coats	Jacobs	Pursell
Coelho	Jenkins	Rahall
Coleman (TX)	Johnson	Reid
Collins	Jones (NC)	Richardson
Conte	Jones (OK)	Ridge
Conyers	Jones (TN)	Rinaldo
Cooper	Kanjorski	Ritter
Coughlin	Kaptur	Roberts
Coyne	Kastenmeier	Robinson
Craig	Kennelly	Rodino
Crockett	Kildee	Roe
Daschle	Kolbe	Roemer
de la Garza	Kolter	Rogers
DeLay	Kostmayer	Rose
Dellums	Kramer	Rostenkowski
Derrick	LaFalce	Roth
Dicks	Lantos	Roukema
Dingell	Leach (IA)	Rowland (CT)
Dixon	Lehman (CA)	Rowland (GA)
Donnelly	Lehman (FL)	Roybal
Dorgan (ND)	Leland	Russo
Dowdy	Lent	Sabo
Downey	Levin (MI)	Savage
Durbin	Levine (CA)	Schaefer
Dwyer	Lewis (FL)	Scheuer
Dymally	Lightfoot	Schneider
Early	Lipinski	Schroeder
Eckart (OH)	Long	Seiberling
Edgar	Lowry (WA)	Sensenbrenner
Edwards (CA)	Lujan	Sharp
Emerson	Luken	Sikorski
English	Lundine	Skelton
Erdreich	Mack	Slattery
Evans (IA)	MacKay	Smith (FL)
Evans (IL)	Madigan	Smith (IA)
Fascell	Manton	Smith (NE)
Fawell	Markey	Smith (NJ)
Fazio	Martin (IL)	Smith, Denny

Smith, Robert	Tauke	Weiss
Snowe	Tauzin	Wheat
Snyder	Thomas (GA)	Whitley
Solarz	Torricelli	Whittaker
Spratt	Towns	Whitten
St Germain	Traficant	Wirth
Staggers	Traxler	Wise
Stallings	Udall	Wolf
Stangeland	Valentine	Wolpe
Stark	Vander Jagt	Wright
Stenholm	Vento	Wyden
Stokes	Visclosky	Wylie
Stratton	Volkmer	Yates
Studds	Walgren	Yatron
Sundquist	Watkins	Young (AK)
Swift	Waxman	Young (MO)
Synar	Weaver	
Tallon	Weber	

NOES—115

Archer	Fields	Moorhead
Armey	Gallo	Myers
Badham	Gekas	Nelson
Barnard	Gingrich	Nichols
Bartlett	Grotberg	Nielson
Barton	Hall, Ralph	O'Brien
Bateman	Hartnett	Oxley
Bilirakis	Hendon	Packard
Bliley	Hiler	Pashayan
Boulter	Hillis	Quillen
Burton (IN)	Holt	Ray
Byron	Hunter	Regula
Callahan	Hutto	Rudd
Campbell	Hyde	Saxton
Carney	Ireland	Schuette
Chappell	Kasich	Schulze
Chappie	Kemp	Shaw
Cheney	Kindness	Shelby
Cobey	Lagomarsino	Shumway
Coble	Latta	Shuster
Coleman (MO)	Leath (TX)	Siljander
Combest	Lewis (CA)	Sisisky
Courter	Livingston	Skeen
Crane	Lloyd	Slaughter
Daniel	Lott	Smith (NH)
Dannemeyer	Lowery (CA)	Spence
Darden	Lungren	Stump
Daub	Martin (NY)	Sweeney
Davis	McCain	Swindall
DeWine	McCandless	Taylor
Dickinson	McCollum	Thomas (CA)
DioGuardi	McDade	Vucanovich
Dornan (CA)	McEwen	Walker
Dreier	McMillan	Whitehurst
Duncan	Michel	Wortley
Dyson	Miller (OH)	Young (FL)
Eckert (NY)	Mitchell	Zschau
Edwards (OK)	Molinari	
Fiedler	Montgomery	

NOT VOTING—17

Addabbo	Jeffords	Solomon
Bentley	Kleczka	Strang
Flippo	Loeffler	Torres
Ford (MI)	Marlenee	Williams
Franklin	Rangel	Wilson
Gonzalez	Schumer	

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. ADDABBO for, with Mr. FLIPPO against.

Mr. TAYLOR changed his vote from "aye" to "no."

Mr. WEISS and Mr. WHITTAKER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Alabama: Page 13, line 15, strike out "$9,039,500,000" and insert in lieu thereof "$8,810,700,000".

At the end of title I (page 22, after line 23) add the following new section:

SEC. 111. MX MISSILE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) not more than 50 MX missiles should be deployed in existing minuteman silos;

(2) after procurement of 50 missiles for deployment in those silos, further procurement of MX missiles should, unless a different basing mode is proposed by the President and agreed to by Congress, be limited to those necessary—

(A) for the MX missile reliability testing program; and

(B) as spares within the logistics system supporting the deployment MX missile force; and

(3) during fiscal year 1987, depending upon the most efficient production rate, from 12 to 21 MX missiles should be procured, but those missiles should (as provided in paragraph (2)) be limited only to spare and test missiles unless a different basing mode is proposed by the President and agreed to by Congress.

(b) LIMITATION ON FY 86 AND EARLIER FUNDS.—None of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 or any prior fiscal year for procurement of missiles for the Air Force may be used—

(1) to deploy more than 50 MX missiles in existing Minuteman silos;

(2) to modify, or prepare for modification, more than 50 existing Minuteman silos for the deployment of MX missiles;

(3) to acquire basing sites for more than 50 MX deployed missiles; or

(4) to procure long-lead items for the deployment of more than 50 MX missiles.

(c) LIMITATION ON FY 86 MX PROGRAM.—(1) Of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force, not more than $1,889,000,000 may be used for the MX missile program.

(2) Not more than 12 MX missiles may be procured with funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force.

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Chairman, I think without a doubt this amendment and those that will be offered in substitute thereof, are probably the most important if not—one of the most, if not the most important amendment that will be offered to this bill this week.

This has to do with whether or not we will continue production of the MX missile, and if so, to what extent.

If I might have the attention of the ladies and gentleman of the committee, I will try to be as succinct as possible and not prolong the matter, but if you will recall, the initial intent of the administration, going back to Carter, was to build and deploy 200 MX missiles.

This administration changed that, and came forward with a plan to build and deploy 100 MX missiles. It has been on that premise that we have gone forward and 2 years ago approved a production level of 21. Last year, we also approved an additional 21. This year, coming out of our committee, we approved an additional 21, which was considered by the Department of Defense as the most economical production rate.

So we had 21, 21, and then this year the committee recommended the authorization of 21 MX missiles. Since then, there has been a great deal of discussion as to whether or not we are willing to go forward with the full 100 missiles. Since then, the administration, meeting with the other body, has agreed to pause at 50.

My amendment simply conforms to what has been done in the other body and what has been agreed to by the administration. We are saying we are not going to go forward with the full 100 that had been intended; we are going to build 50, we are going to stop. We are going to see what the Soviets will do in Geneva, and if they will negotiate in good faith, perhaps we will not need to build any more. We will go forward with building test missiles only; but this bill, with a sense of the Congress, simply provides money for 12—not 21—12 additional missiles today; 9 operational that will be deployed, the others will be test missiles. We will build nothing but test missiles from now on until authorized specifically by the House.

□ 1530

That will give us 50 operational missiles in silos. After that, we will build no more operational missiles until we see what the Soviets have done in the negotiations in Geneva. If this House, if this Congress, concludes that they will not go forward and negotiate in good faith on arms reduction, then we can authorize affirmatively at that time. I am talking about 2, 3 years from now—then we could go forward with additional production. But if we conclude that there has been a good-faith negotiation, we simply would not authorize any more missiles. This makes sense. It saves $228 million in this budget; it cuts the production plan in one-half; if we do this, we do not have to come back next year and argue this same debate again, as we have for the last 2 or 3 years.

It makes sense in many ways: First, the administration supports it. The Air Force says that these are deployed in squadrons of 50. This will be one full squadron, without mixing them. It saves $228 million. It gives the Soviets an opportunity to show their good

faith. I think that this is a rational approach toward the MX problem.

Now, by way of explanation, so that the Members can understand, by agreement there will be an amendment offered, a substitute to my amendment, by Mr. MAVROULES, and will be cosponsored, to cap the missile at a lesser number of 40. I will expect to speak against that when the time comes. There will be another perfecting amendment offered by the gentleman from Florida [Mr. BENNETT] to that to eliminate all funds.

So the Members will have three choices: You can vote zero funds and eliminate all MX forever; you can cap it at 40, which, in my opinion, makes no sense; or you can complete the building of one squadron and build no more operational missiles after 50. We would simply build test missiles that are not operational and wait 1 year, 2 years, 3 years, until——

The CHAIRMAN. The time of the gentleman from Alabama [Mr. DICKINSON] has expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. DICKINSON. So I think we can resolve the question today, and I think it really comes down to this: Do you want to build nine more missiles and stop there? This would give the Soviets an opportunity to display their bona fides in the negotiation process, or do you want to build a lesser number and cap it and say we will build no more? But, really, between the 40 and 50, the Air Force will tell you, it really does not make any sense because they will not have a full squadron, and it is very expensive to mix MX and Minuteman. There are two different training cycles and the computers do not integrate.

I have a letter from Gen. Bennie Davis, Commander in Chief of SAC, saying 40 makes no sense, urging that if we do this we at least complete a squadron of 50. I think we can resolve the question once and for all at this time and not have this debate every year. We can come to a resolution within this House, and can join hands with the other body and the bill they have passed. Then, after 2 or 3 years, if the Soviets do not show their good intent to negotiate seriously and in good faith, at that time we can make a decision to go forward. In the meantime, we have kept our base of production warm so that we are able to do that. If we do less than that, if we do not keep the production base warm, then if we ever decide to rev up again and start building, it will be twice as expensive as if we kept the base warm.

So this is a commonsense approach. It should satisfy most everyone except those who want nothing, and that is not realistic, certainly not in view of the Soviet threat.

So I would hope that the Members of the House would support this commonsense approach. Let us build one squadron, stop, only build test missiles, save $228 million in this bill and give the Soviets an opportunity to display their good faith. If, ultimately, they do not do so, we can make the decision, because we have not penalized ourselves by killing the line, to again reopen the line for operational missiles. It is a reasonable approach, it is acceptable to the White House, it has already been approved by the Senate. I would certainly hope that the Members in this body would approve it and vote affirmatively when the bill comes up—not for 40, which makes no sense, not for zero, but simply build these 12 more, which would allow us to cap out at 50.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Alabama [Mr. DICKINSON] yields back 3 minutes.

● Mr. HANSEN. Mr. Chairman, I rise in support of the Dickinson amendment providing for the procurement of an additional 12 MX missiles.

Deterrence is once again the root problem that this body must address. The question of how much is enough deterrence goes begging and in the absence of a satisfactory answer, there is the tendency to focus on less fundamental internal concerns. Some see the MX from a cost perspective, others see MX driving a hair trigger national policy, and still others would prefer to rely more heavily on the hope of future weapon systems. When these and other compelling factors are weighed, our decision remains clouded primarily because we have looked at the issue from only one side of the deterrence equation.

On the other hand, the threat side of deterrence is abundantly clear. The Soviets have embarked upon a determined, steady increase in both nuclear and conventional weapons. They now possess the necessary combination of ICBM numbers, reliability, accuracy, and yield to destroy all U.S. silos using a portion of their ICBM force. Even if we were to launch our entire force we could not conflict similar damage. Be assured that the Soviets are not wrestling with a question of deterrence—they are clearly wrestling with a more aggressive perspective. How much of an advantage is required to justify a Soviet first strike?

MX provides us with the potential to significantly erode the Soviet's confidence. Deployment would demonstrate a capability to hold, at risk, hardened military and political targets without constituting a first strike threat. Deployment would also be in concert with the position of the last four U.S. Presidents, six U.S. Congresses, the general populace of our country, and U.S. allies in Europe.

Now is not the time to convey a weak signal. Now is the time to communicate an unqualified signal that we will run shoulder to shoulder with the Soviets if they elect to continue a strategic modernization race.●

AMENDMENT OFFERED BY MR. MAVROULES AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DICKINSON

Mr. MAVROULES. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MAVROULES as a substitute for the amendment offered by Mr. DICKINSON: Page 13, line 15, strike out "$9,039,500,000" and insert in lieu thereof "$7,842,700,000".

At the end of title I (page 22, after line 23) add the following new section:

SEC. 111. MX MISSILE PROGRAM.

(a) LIMITATION ON FY86 PROCUREMENT FUNDS FOR THE MX MISSILE PROGRAM.—Of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force, not more than $921,000,000 may be used for the MX missile program. Such funds may be used only for—

(1) the acquisition of not more than eight basing sets for the basing of MX missiles;

(2) the acquisition of systems support consistent with the deployment of not more than 40 MX missiles; and

(3) maintenance of the production base for the MX missile program.

(b) LIMITATION ON DEPLOYMENT OF MX MISSILES.—The number of MX missiles deployed at any time may not exceed 40.

(c) POLICY ON FUTURE MX MISSILE PROCUREMENT.—Funds appropriated or otherwise made available for fiscal years after fiscal year 1985 for procurement of missiles for the Air Force may not be used for procurement of MX missiles except for the acquisition of those additional missiles required for the operational test and evaluation program and the aging and surveillance program.

Mr. MAVROULES. Mr. Chairman, I rise to speak on behalf of the substitute offered by Mr. MCCURDY and myself.

Shortly, Mr. BENNETT will offer his amendment and the House will have before it, three varied alternatives on the MX.

What we offer in this amendment is an honest compromise—which limits deployment—of the MX missile.

During the last 4 years, this House has locked itself into dozens of debates on this one system. We have been about as evenly divided on this subject as is humanly possible.

While the controversy on MX may not go away, at least we can put the issue behind us by adopting this language.

Briefly, let me outline our compromise.

First, the amendment legally limits the number of missiles to be deployed at 40. With 21 missiles approved in fiscal 1984, and 21 more in March 1985, the amendment essentially limits MX deployments to those missiles already approved.

Next, the amendment is fully consistent with the deployment of 40 missiles. Basing hardware and support systems is provided.

Third, our amendment authorizes zero new MX missiles for fiscal year 1986. Instead, to maintain a production base, limited funds are included to stretch existing procurements into fiscal 1986.

A total of $921 million is provided for basing, support, and production maintenance.

With the Air Force not planning to deploy the 40th MX until May 1988, and Midgetman due to be deployed in 1992, we are at a logical stopping point for the MX program.

Another consideration must be the defense budget and deficits. We can reduce the MX request, cap the program at 40, and bring down the deficit without jeopardizing our national security.

The amendment reduces the administration's MX budget request by $2.1 billion; cuts $1.2 billion from the committee bill, and saves $968 million more than the Dickinson amendment. These are dollars which can be applied directly toward the deficit, or channeled into other programs which will add muscle to our conventional forces.

Also, I think it important to note the fundamental difference between this amendment and the one of my colleague from Alabama.

The Dickinson amendment, almost identical to what was approved in the other body, states "it is the sense of Congress" that not more than 50 MX missiles should be deployed in existing Minuteman silos.

The amendment we offer is different. It limits by statute, MX deployment to 40 missiles.

Next, there is the question of follow on deployments. The gentleman from Alabama would leave the door open on the question of missile deployments beyond 50. However, the amendment I offer recogizes that if the United States is to deploy a survivable land-based ICBM, that system must be the small, mobile ICBM.

As a matter of fact, Mr. MCCURDY and Mr. GEPHARDT will offer an amendment to preserve the priority status of the small, single warhead missile.

If you support a survivable and stable land based missile system, then it is important to support the move away from the 10-warhead MX, and toward the single warhead, mobile Midgetman.

Finally, there is the question of limiting MX deployment to 40 missiles. Many have asked why 40, and not the 50 in the Dickinson amendment?

In the 1982 MX Development and Deployment Plan the Air Force stated that an initial deployment of "40 MX's in existing silos will be sufficient to hold the most threatening Soviet silos at risk."

Today, you will hear it stated that the Air Force must have 50 missiles; that the 1982 study is no longer valid.

Actually, if you go back to October 1981, when the President made the original decision, the White House recommendation was to deploy 36 MX missiles in Minuteman silos.

Forty is a responsible number.

A 40 MX missile force is not a token. Yet, its capability is not so large as to raise problems of stability.

In broad security terms, it is hard to make a case that there is a significant difference between a 40 or 50 MX force. They both can destroy about half of the Soviet's ICBM warheads.

Deploying 100 missiles, on the other hand, seems premature and dangerous, and provides little incentive for success at Geneva.

The real decision is not between 40 and 50. The choice is between 40 and 100 because without a permanent cap on missile deployments, the administration will be back next year asking for more missiles.

My colleagues, I ask for your support and help. This is a reasonable compromise. It is not perfect.

But it does provide an opportunity for the Congress and the President to put the MX controversy behind us.

We all want our security preserved.

And, every Member wants the Geneva talks to succeed.

We can be consistent with both goals by adopting this amendment.

FACT SHEET

Mavroules-McCurdy Amendment

I: Funding

I: Funding: fiscal year 1986: $921 million.

	Millions
Other Weapon System (8 Basing Kits)	$323
Support consistent with the deployment of 40 missiles	498
Flyaway (Production Base Maintenance for stretching 1985 MX missile procurement into 1986)	100
Total	921

II: Statutory Provision: The number of MX missiles deployed at any time may not exceed 40.

III: Policy on Future MX Missile Procurement: Funds Authorized and Appropriated After Fiscal 1985 for Air Force missiles may not be used for the procurement of MX missiles except for the acquisition of those additional missiles required for the operational test and evaluation program and the aging and surveillance program.

FACT SHEET

Mavroules-McCurdy	HASC	President's budget
Funding: $921 million	2.1 billion	$3.1 billion.
Procurement: Zero, warm production base.	21 missiles	48 missiles.
Total deployed: 40	50	68.

Savings:
$2.179 billion from President's budget.
$1.179 billion from Armed Services Committee Position.
$968 million from the Senate position.

FACT SHEET

Mavroules-McCurdy	Dickinson
$921 million	$1.889 billion.
Authorizes: Zero missiles	12 missiles (9 deployment, 3 OT&E).
Limit MX Deployment, by statute, to 40 missiles.	Nonbinding, sense of Congress, deployment pause at 50.

□ 1540

Mr. HILLIS. Mr. Chairman, I rise in support of the Dickinson amendment and in opposition to the Mavroules-McCurdy amendment.

Mr. Chairman, I rise in support of the MX amendment of the gentleman from Alabama [Mr. DICKINSON] and to speak against the substitute amendment that has just been offered by Mr. MAVROULES. I do this because I believe that the gentleman from Alabama is right in the approach that he takes on this difficult issue. I strongly believe in the need to maintain a modern nuclear force to provide deterrent capacity.

The Soviets have in place over 600 hard-target capable SS-18's and SS-19's that pose a very severe first-strike threat to our land-based deterrent. It has not been this Nation's policy, over the years, to match every system the Soviets have deployed with one of our own. We have even chosen different mixes of weapons in our respective arsenals.

Some would say that on balance our force capacity is equal to the Soviets. However, the highly respected and bipartisan Scowcroft Commission has reported, and I quote:

> The Soviets nevertheless now possess the necessary combination of ICBM numbers, reliability, accuracy, and warhead yields to destroy almost all of the 1,047 U.S. ICBM silos using only a portion of their own ICBM force.

On assessing this imbalance, the Scowcroft Commission strongly urges the maintenance of the triad of nuclear forces. That is our land, sea and air-based nuclear systems. The Commission cites the attack planning problems that an adversary would face if he was contemplating a strike against these three-force elements. If we maintain an effective triad system, the characteristcs of his attacking system could not completely counter the effectiveness of our air, sea, and land-based systems. Thus, he may be and would be deterred from contemplating such an attack.

Now, for this to be effective, it is absolutely essential that all the systems within the triad be modern, up-to-date, effective, and the most modern that we can produce. This has been true. We are producing, finally, a B-1 bomber; we have a Trident system going to sea; and we are in the midst of debating what our policy should be with the modernization program of MX. The missile system that was to supplement and replace the Titan sys-

tems and the early Minutemen that have been relied upon by our country for well over 20 years.

The point is that perhaps some new Soviet threat can be launched against another leg of the triad, and so all must be strong. To begin to unilaterally reduce or cut or cap at a low number, an unrealistically low number, the MX system, I think is the wrong action to take.

The negotiators at Geneva are very much interested in what we do here today. Mr. DICKINSON's amendment supports those negotiators very well, because it does not undercut them. Because the MX missiles will continue to proceed as the talks proceed. Now a cap of 40, and the production line being simply stretched out, and no new missiles being procured is a sign of stepping down the triad. Not maintaining and developing new technology and strengthening our defenses.

If we do this, there will be little incentive for the Soviets to really come forward and to talk seriously about reciprocating in response because they consider this a unilateral action on the part of the United States; all they have to do is sit back and do nothing.

Our triad of nuclear systems has kept the peace in our country for over 40 years. However, as we all know, the land-based leg is aging and approaching, rapidly, obsolescence. To keep this collective force as a viable and credible deterrent, we have to continue to modernize and keep all legs strong, and modernize the land-based leg. That is why I urge each of you, my colleagues, to continue to support this deterrent to keep the force structure that has proven its worth for over three decades. To do that, we need to adopt the Dickinson amendment and not the Mavroules approach.

□ 1550

Mr. McCURDY. Mr. Chairman, I move to strike the last word, and I rise in support of the McCurdy-Mavroules amendment.

Mr. Chairman, the MX program plays an important role in the calculus of national security, nuclear deterrence and arms control. Nevertheless, I have concluded, in the light of developments in our strategic nuclear programs and the impact of budget restrictions, that now is the time to cap the deployment of MX missiles.

In 1982, the Air Force concluded that an initial deployment of 40 MX missiles in existing Minuteman III silos would, in the near term, be sufficient to hold the most threatening Soviet missile silos at risk while the search went on for a more survivable basing mode for the remaining MX's.

I fully realize that the Air Force was, and still is, not advocating stopping MX deployment at 40 missiles. But I have found nothing, in the subsequent Scowcroft Commission report or from any other source, that invalidates the Air Force's logic concerning the initial deployment of the first 40 MX missiles.

Indeed, the success of the MX test program to date reinforces it. The 400—and 2 repeat—the 400 highly accurate warheads on these 40 missiles will put at risk a major portion of superhardened Soviet nuclear facilities now virtually invulnerable to our existing missiles. But the number of warheads will not be sufficient to put at risk all of their land-based nuclear missiles; therefore, the deployment cannot be considered giving the United States a first strike capability. Rather, nuclear deterrence and stability will be strengthened. I would also like to underscore the fact that the MX development and production schedule calls for the deployment of the 40th missile in May of 1988 at the earliest, regardless of the final number of MX's chosen for deployment.

In authorizing 42 MX missiles, the Congress has provided the number of MX's considered necessary for national security in the near term by the Air Force and we have provided the necessary support for our arms control negotiators in Geneva. With the Air Force not planning to deploy the fortieth MX until May 1988, and the Midgetman due to begin deployment not later than 1992, we are at a logical stopping point for MX deployment.

When the Armed Services Committee took up consideration of the fiscal year 1986 defense authorization bill, we found ourselves facing very difficult budget choices. The recommendation of the Scowcroft Commission to deploy 100 MX's was made at a time when defense spending was expected to increase at about 6 percent a year. Such growth, as we all now realize, is totally unrealistic. Instead, very serious priority decisions within the defense budget are necessary in order to meet our goal of reducing the Federal deficit. As a result, budgetary pressures are threatening conventional force improvements and readiness, as well as promising strategic programs such as Midgetman, the advanced technology bomber and the advanced cruise missile.

My distinguished colleague, NICK MAVROULES, in making his own analysis, independent of mine, arrived at the same conclusions. Hence we decided to jointly propose an amendment to limit MX deployment to 40 missiles.

Our amendment provides $921 million in fiscal year 1986 MX funding for the development of the basing facilities and the technical support necessary to deploy 40 MX missiles, as well as to maintain the MX production line during fiscal year 1986. Further, at the appropriate time, whether in conference with the Senate or a future procurement, the amendment is fully consistent with the acquisition of the necessary MX test and evaluation missiles.

My distinguished colleague, Mr. MAVROULES, and I support the concept of a nuclear triad because we believe it enhances deterrence and contributes to the stability necessary to prevent nuclear war. We believe that in order to maintain the viability of the nuclear triad, we need to shift the focus of the triad's land-based leg as soon as practical from MIRV'd missiles based in vulnerable silos, to one modernized with ICBM's of less target appeal and increased survivability.

By capping the MX deployment at 40 missiles we take the first step in this restructuring. Please join with us in making this possible by supporting the McCurdy-Mavroules amendment.

AMENDMENT OFFERED BY MR. BENNETT TO THE AMENDMENT OFFERED BY MR. MAVROULES AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DICKINSON

Mr. BENNETT. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT to the amendment offered by Mr. MAVROULES as a substitute for the amendment offered by Mr. DICKINSON: Strike out the dollar amount proposed to be inserted by the amendment at page 13, line 15, and insert in lieu thereof "$6,921,700,000".

In the section proposed to be inserted by the amendment, strike out all after "SEC. 111." and insert in lieu thereof the following:

TERMINATION OF MX MISSILE PROGRAM AND TRANSFERS TO CONVENTIONAL PROGRAMS.

(a) LIMITATION ON FY86 AND LATER FUNDS.—No funds appropriated or otherwise made available for procurement of missiles for the Air Force for fiscal year 1986 or for any later fiscal year may be obligated for the MX missile program.

(b) LIMITATION ON PRIOR-YEAR FUNDS REMAINING AVAILABLE FOR OBLIGATION.—Funds appropriated or otherwise made available for procurement of missiles for the Air Force for a fiscal year before fiscal year 1986 that remain available for obligation may not be obligated for the MX missile program.

(c) AUTHORIZATION OF TRANSFER OF PRIOR-YEAR MX FUNDS INTO CONVENTIONAL PROGRAMS.—Subject to the provisions of appropriations Acts, the Secretary of Defense may transfer to amounts appropriated for fiscal year 1986 for the Department of Defense any amounts appropriated or otherwise made available for procurement for the MX missile program for a fiscal year before fiscal year 1986. Any amount transferred pursuant to the preceding sentence shall be available only for conventional warfare programs.

(d) AUTHORIZATION OF APPROPRIATIONS FOR CONVENTIONAL PROGRAMS.—There is hereby authorized to be appropriated for fiscal year 1986 for procurement for the Armed Forces $2,117,800,000. Amounts appropriated pursuant to such authorization shall be available only for conventional warfare programs. Such authorization is in addition to any other authorization provided in this title.

Mr. BENNETT. Mr. Chairman, some years ago, 2 or 3 or whatever it was, when we started the debate about the MX missile, I remember saying that this particular thing, the triad, was not the trinity, and we still hear talk here on the floor of the House about having three branches. Of course, we have three branches anyway. We have the cruise missile, and we also have low-trajectory submarine operation if you want to have another way of doing it. The cruise missile can be fired from the air or the sea or land.

Mr. Chairman, I oppose the authorization of any funds for the MX missile for three basic reasons: It is a highly vulnerable weapon, the funds for which should be spent for more needed weapons. Second, this weapon is not needed for any talks with the Soviets. We have seen that carried out in recent events. Third, it does not add to our strategic deterrence in any substantial manner. Most people agree on these conclusions.

Mr. Chairman, many Members voted for the MX in March, under the illusion that the missile was a necessary bargaining chip for the Geneva arms talks. Urgent lobbying by our Geneva negotiators and by some of our respected colleagues stressed that a vote against the MX would undercut the U.S. position in the talks. But experts agree that the talks were started not because of the MX but because of star wars, SDI, and the talks from the first focused on possible tradeoffs between our star wars research and Soviet offensive weapons. The MX is not a bargaining chip—and never was. The argument about the MX helping the talks may have been believed by some and accepted as an excuse by others but never had any real foundation in fact.

Nor is there a convincing military rationale for the MX in these silos. At a House Armed Services Committee hearing on February 5, 1985, I asked Secretary Caspar Weinberger why he now supported putting the MX into existing Minuteman silos when at his January 6, 1981, Senate confirmation hearing he had said, and I am now quoting what he said at that time and the year before.

□ 1600

He said—and this is Weinberger speaking:

> I would feel that simply putting the MX into existing silos would not answer two or three concerns that I have, namely, that the location of these are well-known and are not hardened sufficiently—nor could they be—to be of sufficient strategic value to count as a strategic improvement of our forces.

He replied in our hearing this year when I asked him about that statement—and I am quoting from him again:

> I misjudged at that time the ingenuity of American science, because now we do have methods of hardening those silos vastly beyond what we could at that time, and vastly ahead of what are now considered—or have been considered until very recently—ceilings.

Secretary Weinberger left the committee and the Congress with the very definite impression that there were existing plans to harden the Minuteman silos, and thus solve the MX vulnerability problem.

But there were no plans. At a hearing of the Research and Development Subcommittee, of which I am a member, on April 3 of this year, Assistant Secretary of the Air Force Thomas Cooper told the committee, and I quote:

> No decision has been made to put them in hardened silos. And I cannot sit here and assure you that we can build a hardened silo * * * we have yet to build and fully test a full-scale hardened silo.

So there were no plans after all, only research. Further, this research is so unpromising that the defense authorization bill recommended by the full House Armed Services Committee cuts the $172 million the Air Force had requested for hardening silos and deep underground basing research. Our committee report states that, eventually, increases in Soviet accuracy will enable Soviet missiles to knock out a hardened silo, no matter how hard we make it. Therefore, the committee is prividing a small amount of fund only as a hedge against the future vulnerability of the new Midgetman mobile system. The committee has made a sound decision to stop a pointless hardening program which could cost as much as $20 billion to complete, and all for nothing. As General Brent Scowcroft told the committee, "in the race between accuracy and hardening, eventually hardening has to lose."

The last line of defense for the MX supporters is that we need the MX to knock out Soviet silos. This is simply not true. The new Trident II, D-5, missiles will become operational in 1989. Published reports indicate that the Trident II will be just as accurate as the MX, with a CEP of 400 feet or less. Most importantly, this missile will be deployed by our most invulnerable basing mode, the Trident submarine fleet. The Navy plans to deploy 480 Trident II missiles. This is more than enough to put Soviet hardened silos and command centers at risk. We do not need the MX for this mission.

The CHAIRMAN. The time of the gentleman from Florida [Mr. BENNETT] has expired.

(By unanimous consent, Mr. BENNETT was allowed to proceed for 5 additional minutes.)

Mr. BENNETT. Mr. Chairman, finally, let me say that whenever we debate the MX missile very few Members of Congress actually speak in favor of this missile. It is always—or almost always—put in terms of support for arms control talks, or the need to modernize our strategic forces, or how dangerous the Soviet systems are or sustaining the triad. As I have already pointed out we have the cruise missile anyway even without the MX.

But very few Members actually favor this missile, or say they do. The Congress gave half-hearted approval to the MX in March, not because it was convinced of the value of the MX, but because it was put under tremendous pressure not to look weak on defense.

Now we are playing numbers games with the missile. President Reagan originally wanted to deploy 100 missiles and build an additional 123 as spares and for testing. Now the Senate has accepted Senator NUNN's plan to deploy 50 missiles and build an additional 60 to 80 as spares and for tests. Mr. MAVROULES and Mr. MCCURDY want to cap the program at 40 deployed, but allow some others for future testing.

I do not want to play this game. I see no reason to vote for even one more missile.

After all, this is a very faulted missile. It is a missile that can be knocked out, and there are much better places to put our money, even in strategic weaponry.

The MX Program is a failure. It is to defense what the horse collar is to modern industry. It should have been killed a long time ago, but the Congress has always found some excuse to keep it alive, as most of private enterprise and the industrial complex sees to it that we do. This faulted program is obsolete and far too expensive for the mission. It has been kept alive by artificial respiration long enough. It is time to pull the plug.

Mr. Chairman, I urge my colleagues to put an end to the waste of billions of dollars of the taxpayers' money by voting to terminate the MX program and to use the billions of dollars saved toward the purchase of much more needed conventional weapons and materiel that is needed for the European theater.

We have been told by General Rogers that it is only a matter of days before we will have to go to nuclear war in Europe. We should protect ourselves against that and use this money for conventional weaponry instead.

My amendment does exactly that. It saves $2.1 billion in fiscal year 1986 money and applies the money where it should be and where it is most needed, and that is in conventional defense.

It also terminates the MX missile program, which will save as much as $10 billion in the future if we have only a 50-round program. But with the other 50 the President asks for, it would save $20 billion.

So, Mr. Chairman, I urge that this amendment to the substitute offered by the gentleman from Massachusetts

[Mr. MAVROULES] be approved, and that we vote down the MX missile once and for all.

Mr. SEIBERLING. Mr. Chairman, last week, the President made what all of us who are concerned about the arms race and the Geneva negotiations felt was a statesmanlike decision—to continue to comply with the SALT II treaty. Many of us were, therefore, surprised and even shocked when the Soviet Union quickly dismissed his action and accompanied their response with denunciation. What appeared to be an action by the President to go "the extra mile" for arms control was denounced as part of an effort for the destruction of all arms control agreements between the two superpowers.

Some light has been thrown on this puzzle by an article by Dusko Doder in the Washington Post for Sunday, June 16. Because of its relevance to the debate on the various weapons systems dealt with by the defense authorization, I am offering it for printing in the RECORD following my remarks. As we debate these issues, it is extremely important that we understand the impact of our actions on the Soviets and our ability to influence them in the direction of rational arms control and away from further escalation of the arms race.

Writing from Moscow, Mr. Doder reported that:

The Soviets see the United States moving inexorably toward abrogation of the 1972 Anti-Ballistic Missile Treaty, which they regard as the foundation for SALT I, SALT II, and all other existing or contemplated arms agreements.

It appears that the Soviets see the combined effect of the star wars defense project and the development of such weapons systems as MX, Trident II, and Antisatellite missiles as working toward a preemptive first strike capability for the United States from which they also deduce a projected first-strike policy. Their reasoning is well summarized by Doder as follows:

The Soviet leadership has been advised by its top scientists that a defensive shield planned by Washington would not be effective in case of an all-out surprise attack on the United States.

However, if the United States were to launch a first-strike attack on the Soviet Union, the space-based antimissile systems could prove effective to a considerable degree in deflecting a Soviet retaliatory strike.

This has led Soviet strategists to conclude that SDI is a strictly offensive system since its effectiveness depended on a preemptive U.S. attack.

The Soviets have already stated that their response to SDI would focus on both a qualitative and a numerical buildup of their offensive strategic weapons. In this context one can begin to see how the President's willingness to continue compliance with the unratified SALT II Treaty, which he had heretofore described as "fatally flawed," can be seen by the Soviets as an efforts to keep the Soviets under the SALT limits on numbers of missiles and warheads or put them in the position of taking the blame for breaching those limits.

I do not mean to imply that the Soviets' inference are correct, but only that the combined effect of the actions and statements of the admininstration and the Congress may be to stimulate such inferences. That is why it is so important for Congress to act now to create a different atmosphere, in which it may be possible to reduce the suspicions and paranoia, before both countries are locked into a posture which makes negotiations even more difficult or impossible. As Mr. Doder says:

Underlying the Soviet statement is the continued deterioration in bilateral relations, domestic circumstances, anger, pride and—above all—suspicion that have locked the leaders of both countries onto a course whereby neither seems willing to take a major step toward the deescalation of the conflict.

Mr. Chairman, it is customary for us to demand that the President exercise leadership, that he rise above the suspicions and tensions of the moment and take bold new initiatives to break the vicious circle of the nuclear arms race. Isn't it also time that we in Congress do the same? We have an opportunity to do just that in our votes on these terrifying, destabilizing, and costly weapons systems. Let's act now while there is still a chance for productive negotiations for nuclear arms reduction.

The full text of the Dusko Doder article follows these remarks:

[From the Washington Post, June 16, 1985]

DETERIORATING TIES, SUSPICION FUELED MOSCOW'S QUICK REBUFF

(By Dusko Doder)

Moscow, June 15.—It was seen in Washington as a critical battle for Ronald Reagan's mind. And when the president announced Monday that he would not undercut the restraints of the unratified SALT II treaty, he was praised by his critics for an act of statesmanship that could save the arms control process.

Why, then, did the Soviets so quickly and firmly dismiss Reagan's move? Why did they see it as merely a sophisticated public relations gimmick? Why do they continue to believe that the president was not going "the extra mile" for arms control but rather for the "destruction" of all arms agreements between the two superpowers?

Answers to these questions can be found in Soviet public and private statements during the past few months. Underlying them is the continued deterioration in bilateral relations, domestic circumstances, anger, pride and—above all—suspicion that have locked the leaders of both countries onto a course whereby neither seems willing to take a major step toward the deescalation of the conflict.

Looking from Moscow, one can clearly define three areas through which Soviet officials explain their current position.

First is the technical aspect put forward by a number of senior figures, including the defense minister, Marshal Sergei Sokolov, and Marshal Sergei Akhromeyev, the chief of staff.

The Soviets see the United States moving inexorably toward abrogation of the 1972 Antiballistic Missile Treaty, which they regard as the foundation for SALT I, SALT II and all other existing or contemplated arms agreements.

Akhromeyev put this view succinctly when he said that restraints or reductions on offensive nuclear means (such as those provided under SALT II) are "unthinkable" without the ABM treaty. That treaty, in Moscow's view, is now gravely threatened by Reagan's Strategic Defense Initiative, also known as "Star Wars."

While the president was announcing his SALT II decision, his senior advisers were publicly stating that some elements of SDI could become operational during Reagan's presidency.

The Soviets are convinced that the United States is busily testing components of the new space-based missile defense system. As Col. Gen. Nikolai Chervov put it recently, referring to Reagan advisers' statements, "they are not going to make this out of papier-mache."

In the simplies terms, the Soviets, according to their statements, believe the president is contemplating setting up a defensive shield around the United States, while the ABM treaty allows each side to erect only one such shield around a specified area (either the nation's capital or a military installation).

SDI, apart from being a violation of the treaty, would introduce new strategic problems that would make SALT II obsolete, they say.

The Russians have repeatedly asserted that they would not tolerate a change in the strategic parity and that their counterresponse would nullify any possible U.S. advantages. Moreover, they have made it clear that their response would focus on a qualitative and numerical buildup of their offensive strategic means.

Hence, that the president should be willing to continue compliance with the unratified SALT II, which he had described as "fatally flawed," is seen here as sinister or, as one senior analyst put it, even "comical."

The second Soviet concern is political. Reagan's SALT decision was qualified in a way that served to reinforce Moscow's view that his policy toward the Soviet Union is one of "pure intimidation" and continuous search for leverage over domestic Soviet affairs.

The Soviet government statement on this issue had made it clear that the Russians do not intend to play Reagan's perceived game.

Privately, officials here see Reagan's decision as just another "coercive tool" to be used to keep Moscow off balance and "in continuous suspense."

The move to remain in compliance with SALT II is seen as having a double purpose. On the one hand, officials say, it was designed to encourage those elements in the Soviet elite that still believe in the possibility of an arms deal with Reagan.

In pursuing this objective the Americans are operating on the assumption "that we are more interested in the fate of SALT II than they," one said.

On the other hand, according to a senior official, "they decided not to undercut the treaty at this time in order not to frighten us too much." The decision came at a time when the Soviets are drafting their economic plans for the next five-year period and

are presumed to be concerned with the prospect of an economically ruinous arms race.

The Russians are particularly angry at another "coercive tool" the president reintroduced in his decision Monday—namely his allegations about Soviet noncompliance with SALT II provisions and in particular his stated intention to change or modify his decision by using this tool at a time of his choice.

This suggested to Moscow that his decision was tactical. Officials charged here that the wording of the president's announcement was an example of double talk. While denouncing Moscow for continuing an "unparalleled and unwarranted military buildup," he did not make any specific demands for a change in Soviet actions for continued observance of SALT II.

The third, most important Soviet concern is strategic. The Soviets take SALT II as part of Reagan's overall policy toward the Soviet Union, linking "Star Wars" firmly to their assessments of U.S. intentions.

The Soviet leadership has been advised by its top scientists that a defensive shield planned by Washington would not be effective in case of an all-out surprise attack on the United States.

However, if the United States were to launch a first-strike attack on the Soviet Union, the spacebased antimissile systems could prove effective to a considerable degree in deflecting a Soviet retaliatory strike.

This has led Soviet strategists to conclude that SDI is a strictly offensive system since its effectiveness depended on a preemptive U.S. attack.

Consequently, the Russians see this as not only a highly destabilizing factor likely to increase U.S. temptations to attack the Soviet Union but also a program reflecting such intentions at a point where the United States gains strategic superiority over the Soviet Union.

This argument is reinforced by the fact that the United States plans a steady growth of its offensive nuclear means through the rest of this century.

Another broader strategic concern rests on a perception here that the ultimate objective of Reagan's rearmament program, military budgets and policy toward arms control is to suffocate the Soviet Union economically. As Georgi Arbatov, a Kremlin adviser on American affairs, put it recently, all this is designed "to delay socioeconomic development" of this country.

The Soviets see Reagan and his aides as being mesmerized by what they believe to be a great technological advantage enjoyed by the United States. According to this view, the American leadership believes that the sharp escalation of costs in a new arms race will exert intolerable pressures on the Soviet economy and that an economic collapse would lead to a political collapse.

In this context, SALT II and other treaties are seen as being used by Washington as "coercive options" along with western efforts to stimulate internal dissent, spread news about ethnic and religious discontent as part of what Chervov called an "all-out psychological war" against the Soviet Union.

Officials here give the impression that the prospects for the Geneva talks are gloomy and that little headway could be made without an improvement in U.S.-Soviet relations.

Finally, the Russians are convinced that Reagan's statement Monday was not directed at Moscow but at his various domestic constituencies, at Congress and at Western Europe. As such, one Soviet official said, the statement "is a work of a public-relations genius."

The upshot is a delay in making a decision that makes Reagan look conciliatory and statesmanlike. But the United States in the meantime will proceed with a mobile, single-warhead "Midgetman" missile as supplement to the large, 10-war-head MX and continue developing esoteric technologies that threaten what the Soviets see as the most important of all arms agreements, the 1972 ABM treaty.

It is apparent that there is a new mood in Moscow.

After the turmoil of three successive leadership transitions, the ruling elite has regained confidence and the impulse to reshape society. It is unclear how radical these changes will be.

Given the almost complete preoccupation of the new Soviet leader, Mikhail Gorbachev, with domestic matters, one has the impression that the Russians would genuinely try to preserve the arms control process.

Given Reagan's policy, however, there will be temptations here to use the external challenge for domestic purposes in Gorbachev's efforts to mobilize society behind his modernization program.

Mr. ASPIN. Mr. Chairman, I would like to try a unanimous-consent request to see if we can agree to limit time here. I would like to exempt the gentleman from New York [Mr. STRATTON] for his 5 minutes.

Having done that, I would ask unanimous consent that all time on the pending MX amendments, and all amendments thereto, be concluded by 6 p.m., with the time to be divided equally among the gentleman from Alabama [Mr. DICKINSON], the gentleman from Massachusetts [Mr. MAVROULES], and the gentleman from Florida [Mr. BENNETT].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. COURTER. Mr. Chairman, reserving the right to object, under my reservation I am asking a question of the committee chairman.

There is the possibility, if not the probability, that if the Bennett amendment is defeated, there might be an amendment to Mavroules, substituting for that. That would be a perfecting amendment. The question I have is whether that can be proffered under the time limit between now and 6 o'clock.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, it was my anticipation that what we would have would probably be 2 hours of debate, equally divided, and then vote 1, 2, 3, first on the Bennett amendment, then on the Mavroules amendment, and then——

Mr. COURTER. Mr. Chairman, under my reservation, I would say that I would have no problem with the 2 hours provided I would be given the opportunity to proffer an amendment. Structured that way, having three votes, would just perhaps give that opportunity before 6 o'clock.

Mr. ASPIN. Does the gentleman consider offering the amendment himself, or has he heard about some other Member offering it?

Mr. COURTER. No; I would be offering the amendment myself.

Mr. ASPIN. Would the gentleman like to have debate on the amendment?

Mr. COURTER. I would like to have 5 minutes maximum to describe it and articulate its positions. So, if the unanimous-consent request could protect my amendment and give me 5 minutes, then I would have no objection.

The CHAIRMAN. The Chair would have to make the observation that under the unanimous-consent request of the gentleman from Wisconsin the gentleman would have to get his time from the Members who control the time.

Mr. ASPIN. Well, I am sure we could come to some agreement to yield time to the gentleman.

Mr. COURTER. Mr. Chairman, further reserving the right to object, that is fine as long as I have the good-faith representation that I will be yielded the 5 minutes to explain my amendment. If so, then I would withdraw my reservation of objection.

Mr. ASPIN. Also, then, included in that is the understanding that the Members who control the time will yield at least 5 minutes to the gentleman from New Jersey to explain his amendment. He may or may not offer it after the vote on the Bennett amendment.

The CHAIRMAN. The Chair will make the observation that the Chair has no control over that. If the gentlemen will yield time through some agreement reached with the gentleman from New Jersey, that is perfectly all right with the Chair.

Mr. ASPIN. Mr. Chairman, I renew my unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. MAVROULES. Mr. Chairman, reserving the right to object, I have a question.

I just want to ask this question here. I am willing to give the gentleman from New Jersey [Mr. COURTER] some time so he may offer his amendment, but the agreement that the chairman of the committee is seeking here is that we take 2 hours of general debate, 40 minutes on each side or for each Member, and then that we vote on the three proposed amendments. Therefore, the gentleman would not be in line to offer his amendment, and if he is going to amend my substitute, I certainly would want the time and the right to defend my position against his amendment.

Mr. COURTER. Mr. Chairman, if the gentleman will yield, if I were to be given 10 minutes, I would certainly

split that 5 and 5. I am obviously looking for an opportunity to protect my right to offer an amendment, at the same time recognizing everybody's concern about spending more time than is necessary on an issue that we are all quite familiar with.

□ 1610

Mr. MAVROULES. All I am saying, Mr. Chairman, if the gentleman is going to offer an amendment to the Bennett amendment, or whatever, we want it up front so we have an opportunity to discuss it. If the gentleman takes it on the end, the gentleman has the total advantage.

Mr. COURTER. Well my problem, if the gentleman will yield to me under his reservation, under the rules I cannot offer an amendment until one of them is voted down, so I have to wait until close to 6 o'clock to do that; so I am looking for a way that I can be accommodated and the request can be honored as well.

Mr. ASPIN. The gentleman will explain in the debate what the amendment would be and how the gentleman would offer it, what the gentleman's amendment would be should he offer it during the gentleman's discussion, I take it.

Mr. COURTER. Oh, yes, when it is read I would explain what the amendment is.

Mr. MAVROULES. Mr. Chairman, I withdraw my reservation of objection.

Mr. ASPIN. Mr. Chairman, I renew the request.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. ASPIN]?

Mr. COURTER. Reserving the right of object, Mr. Chairman, I just would like to hear the unanimous-consent request repeated to know that I am protected to offer an amendment if and when the Bennett amendment is completed.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, I will explain to the gentleman, it is an understanding by the people on our side, I have not checked with the gentleman from Alabama [Mr. DICKINSON], but the gentleman from Florida [Mr. BENNETT], and the gentleman from Massachusetts [Mr. MAVROULES] have agreed to grant the gentleman from New Jersey [Mr. COURTER] a certain amount of time here to explain his amendment here.

The unanimous-consent request is that debate on these amendments and all amendments thereto finish by 6 o'clock. Of course, other people can offer amendments but there will be no debate and the gentleman from New Jersey, of course, would be able to offer his amendment, but he will have had time in the debate to explain his amendment.

Mr. COURTER. Further reserving the right to object, Mr. Chairman, perhaps it can be done this way.

Can I, under my reservation, make a unanimous-consent request that, after the vote on the Bennett amendment, I be given an opportunity to proffer a substitute amendment and be given 10 minutes to debate, 5 in favor and 5 opposed?

The CHAIRMAN. The Chair would make the suggestion that if this is agreed to by the gentleman from Wisconsin [Mr. ASPIN], let the gentleman from Wisconsin [Mr. ASPIN] include that in his pending unanimous-consent request.

Mr. COURTER. Mr. Chairman, I have no objection to that being included in the unanimous-consent request.

Mr. Chairman, I withdraw my reservation of objection.

Mr. ASPIN. Mr. Chairman, if that is acceptable then the following thing will be proposed.

We would propose that debate on this amendment and all amendments thereto finish by 6 o'clock. At 6 o'clock we will have a vote on the Bennett amendment. After the vote on the Bennett amendment, the gentleman from New Jersey [Mr. COURTER] is in order to offer an amendment, for which there will be 10 minutes of debate, 5 minutes for the gentleman from New Jersey [Mr. COURTER] and 5 minutes in opposition to the gentleman from New Jersey [Mr. COURTER].

We will proceed then, if the gentleman from New Jersey [Mr. COURTER] offers an amendment, to vote on the Courter amendment, to vote on the Mavroules amendment, and to vote on the Dickinson amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. ASPIN]?

Mr. STRATTON. Reserving the right to object, Mr. Chairman, I understood the chairman to say that my 5 minutes would not be included before we start.

The CHAIRMAN. The Chair understands that the time of the gentleman from New York [Mr. STRATTON] is excluded from the unanimous-consent request.

Mr. STRATTON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. ASPIN]?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. STRATTON] is recognized for 5 minutes, exclusive of the time allocation at 6 o'clock.

Mr. STRATTON. Mr. Chairman, as one who has spent many months and has shed considerable blood in this Chamber in support of the MX missile system, I frankly am a little bit chagrined to recognize that now this great debate has come down to a question of whether we are going to stop with just 40 missiles in silos, or whether we are going to stop with 50 missiles in silos. But obviously, anybody who is familiar with politics in the Congress of the United States can recognize reality. When the President of the United States, who is the No. 1 proponent of the MX—even over this Member—has agreed to the 50-missile figure and the leadership of the other body has also agreed with that number, obviously the situation is a little bit different. It does present us with some serious problems. But it seems to me, Mr. Chairman, that it makes very little sense for us to have spent the time, and the effort, and the enterprise, and the argumentation on this missile system as we have done over the years, back from the Carter administration into the Reagan administration, and having expended $12 billion in a weapons system with 92 percent of that money already obligated by the end of this month, for us to come down now to what is in my judgment an ignominious end for this very remarkable system.

But the problem that generated the MX has very definitely not gone away. Why was the MX brought into creation? What was the reason? The reason was, even in the Carter administration, it was recognized that the Soviet Union with their offensive missile buildup and with the throw-weight of their ICBM weapons, particularly the enormous, mammoth, destructive SS-18's and 19's, that our entire land-based nuclear deterrent could be wiped out in an afternoon and the Soviets would still have enough weapons to respond to any second strike that we might throw against them.

What seems even more strange is that many of these Members who are proposing that we put the MX in mothballs—and that is basically what it is—under the Mavroules amendment. What is even more surprising, the opponents of MX now want to push for the Midgetman. Would that protect us from the SS-18's and the 19's? Of course not. So why should we spend our money on the Midgetman? Presumably people think that because it is called a Midgetman, it is going to cost much less than the MX.

Well, that is just not the case. It's going to be much more expensive, not only in terms of its technology and its construction, but it is also going to require a very substantial number of soldiers to handle that particular weapon.

On what kind of honeydew have these individuals who want to shut down the MX system been feeding? Have they gotten a new message from the negotiators in Geneva that MX is no longer needed for balance in those negotiations, and that the Soviet Union is responding with great courtesy to the efforts of ourselves to continue to maintain arms control agreement, such as the limitations prescribed by SALT II?

Quite the contrary. The Chairman of the Soviet Communist Party, Mr. Gorbachev, is trashing us at every opportunity. Even when the President of the United States not only agreed with our distinguished chairman of the Armed Services Committee to continue to support the terms of SALT II and went even the second mile by deciding to tear up a submarine, Mr. Gorbachev didn't even say "thanks," he just said that we were the ones who were violating the SALT II.

The CHAIRMAN. The Chair would observe that the allocation of time to the gentleman from Alabama [Mr. DICKINSON], the gentleman from Massachusetts [Mr. MAVROULES], and the gentleman from Florida [Mr. BENNETT] is 30 minutes apiece.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I rise in support of the Dickinson amendment and opposed to the other two amendments by the gentleman from Massachusetts [Mr. MAVROULES] and the gentleman from Florida [Mr. BENNETT].

Basically, we have three proposals before us at the present time; first of all, the proposal by the distinguished gentleman from Florida [Mr. BENNETT] which would just wipe out the MX program.

I think we have discussed this earlier this year in March. We discussed it last year. We discussed it the year before that and this Congress, the House of Representatives and the other body, have come to the conclusion time after time again that we need a modern up-to-date triad deterrent missile force, and that has the three legs of air breathing, submarine launch and ground launch.

There has been criticism all along that somehow the MX is a first strike weapon. Now, no one really can with a straight face and any amount of study come up with that conclusion.

□ 1620

Because there are not enough at 100 MX missiles, or 50, or 40, to sustain a first strike capability that would do anywhere near enough damage to the Soviet Union's ICBM force to do any good to prevent a retaliatory attack.

The gentleman from Massachusetts [Mr. MAVROULES] stated from an Air Force study that somehow the MX could be capped at 40 or 36 or something like that. The same report, I would remind the gentleman, the same report says that regardless, whether we cap it at 40, or 36, or whatever, that the existing right now capable Soviet SS-18's and 19's have more than enough capability to wipe out our entire ground-based and a lot of other missile forces that we have anyway.

What some Minuteman and MX do is at least give them cause for pause. So really the Bennett amendment will, I think, be rejected because it has been rejected in the past. It would probably cost more to do away with MX at this point than it would be to complete.

So, really, the question is 50 or 40, and if not 40, why 50, and if not 50, why 40.

The structure of men, spare parts, geography, machines, personnel and all of the rest are structured to an efficient force of squadrons of 50 either MX missiles or Minutemen missiles. This March we put the icing on the cake and decided that we have authorized and appropriated 42, not 40, but 42 MX missiles already.

Cutting this to 40, cutting what we have already done, would require mixing MX-Minutemen in a squadron or fielding an MX squadron that is inefficiently small and, therefore, not workable, or four-fifths workable, 80 percent. Mixing them brings up strange problems. The missiles and their crews cannot talk to each other through the computers. We would have to redo all of the software for Minuteman to get it to be able to talk to MX and back and forth with Minutemen, and that would be another $100 million.

So to reduce the number to 40 is actually going to be very costly and therefore we have a situation of difficulty of communication, of difficulty of crew training, of inefficient manning, so the force does cry out for a squadron of 50.

So the real question before us today is are we going to offer a credible deterrent. I think the Congress has decided that, yes, we will, with MX.

The question: either 40 or 50. Let us be efficient. Let us be proper and let us at least have the squadron, the full squadron of 50 so that we can show that we do have one, the ability to cut back, but also the ability to go forth with arms control and disarmament.

Word has been spoken about the small single warhead missile, and to my colleagues in this body may I say, as the gentleman from New York so aptly put it, if you think MX is expensive, wait until you get the bill for the small single warhead missile, because it is less efficient, it is needed, it is warranted by the Scowcroft Commission, it will be a proper adjunct for a defensive deterrent in addition to MX. But it cannot stand the gaff alone.

Let us not cut one leg off the triad. Let us move ahead with an adequate deployment of 50, because we have already done 42, and efficiency and economy cries out for the full squadron of 50.

I yield back the balance of my time.

Mr. MAVROULES. Mr. Chairman, I yield myself a minute and 30 seconds.

The Midgetman Missile has been mentioned here, and I referred to that in my prepared text before.

It is impossible at this point to even determine what the cost will be on the Midgetman Missile. But for those who argue the point that the Soviet Union for the last couple of years has come out with a mobile system, something that we have been talking about for a long time and have done nothing about, absolutely nothing since Mr. Reagan defeated Mr. Carter on that one issue in that part of the country. The problem is this: We cannot at this point determine what the costs are going to be in the Midgetman Missile.

If we truly want to get an invulnerable system in place we are going to do it with a Midgetman on a mobile system. And as we go into the colloquy and debate of this particular issue we are talking safety in numbers, we are talking a more stabilized system rather than a destabilized system.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding this time to me.

I do not think anybody here is attacking the small mobile missile. We are just saying that to have one-tenth of the number, to take all of the fuel and all of the guidance necessary to put 10 warheads into motion, to say that it is going to cost one-tenth to put one is not the fact. So I was just pointing out the fact that it is going to be more expensive than midget dollars. Midgetman will be more than midget dollars.

Mr. MAVROULES. In response to the gentleman I think the speaker before him mentioned the cost, and the truth is I want to get on to a system. I think we ought to want to get a system that is invulnerable to attack rather than having a stationary system. Let us go forth with the mobile system.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding to me.

Mr. Chairman, I rise in support of both the Bennett and the Mavroules-McCurdy amendments that we will vote on in a couple of hours.

Mr. Chairman, this has been a very long journey, numerous hours of debate on this issue over a sustained period of time. But I have a feeling, Mr. Chairman, that today that journey will come to an end, and I think that is wholly appropriate.

In April of 1977, 11 of us stood up on the floor of this Congress in opposition to this weapon system. Today I stand and I repeat, I continue to believe that the MX missile remains a

wasteful, unnecessary, and dangerous weapon system.

A few of my colleagues who preceded me in the well today, Mr. Chairman, pointed out graphically and clearly that most of our colleagues over this lengthy period of time that we have debated with respect to this controversial weapon system have never spoken in favor of the weapon itself, and that is because, I believe, Mr. Chairman, that if we debated it on the merits of this issue most of us know in the deep recesses of our minds that this weapon system probably would never have received 50 votes. But, Mr. Chairman, it was never debated on its merits.

This matter became a symbolic issue and therefore took on a life of its own. Clearly, Mr. Chairman, the so-called symbolic value of this MX weapon system has now been significantly diminished, if not totally removed, and I think my distinguished colleague from Florida [Mr. BENNETT] and my distinguished colleague from Massachusetts [Mr. MAVROULES] spoke very clearly and eloquently and articulately with respect to diminished if not removed nature of the so-called symbolic value of purchasing the MX system as a part of our nuclear inventory. I shall not at this time repeat their arguments.

Mr. Chairman, zeroing out this item, as is proposed by my distinguished colleague from Florida [Mr. BENNETT] or capping these weapons at 40, as presented by my distinguished colleague from Massachusetts [Mr. MAVROULES], both would, therefore, reduce the destablizing nature and, therefore, the dangerous potential for the deployment of this weapon, and I support that.

Finally, Mr. Chairman, approval of either one of these items, zeroing out procurement, stopping it at 42, capping deployment at 40, each will bring us to the end of an incredibly long journey, brings us to an end of a very long, drawn-out MX missile controversy, a controversy that has extended over too long a period in this body, because we tend to lapse into debates around symbolic issues and political conjecture as opposed to debating these issues on their merits.

This weapon system, I repeat, as I began, was always wasteful and unnecessary and dangerous, and it remains that way. I wish we did not have one single, any one of these weapons.

□ 1630

But reality is that my colleagues, the majority of them chose to go forward. Today we have an opportunity to put some brakes on this madness and I join with my colleague, Mr. MAVROULES, and I join with my colleague, Mr. BENNETT, in attempting to do that.

I thank my colleague for yielding to me. I hope that the majority of my colleagues will join us in this endeavor and end this madness.

Mr. Chairman, I yield back the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL of Michigan. I thank Chairman BENNETT.

Mr. Chairman, I rise in support of the Bennett amendment. If you want to save money, you want to save taxpayer money in the defense budget, then vote for the Bennett amendment. You will save $2 billion this year in this bill and $20 billion more down the road. That is a savings of $22 billion.

If you want to strengthen defense, vote for the Bennett amendment because the money saved will be spent on strengthening our conventional defense. And that is our greatest deterrent to a nuclear war by showing that our Armed Forces on the ground and in the air are strong enough to deter any attack against our NATO allies or any other place in the world.

So it is a vote for military strength. That is a vote for military common sense. You have already heard in this debate that the MX would have to be a first-strike weapon. Why? Because they want to put it in the very same vulnerable Minuteman holes which were attacked by Secretary Weinberger just 3 years ago.

The MX cannot be defended. Talk about hardening the silos would cost billions more, possibly $20 billion more.

But even with that expensive hardening, they would still be totally vulnerable because we know that that technology is not advanced enough to protect these MX missiles.

You have heard the argument in the past we have to do this for resolve, but the Soviets and others are not afraid of a weapon that is in a vulnerable hole. It does not show any resolve nor common sense to put billions down a rathole, the same Minuteman hole that is vulnerable today.

They talk about resolve but on the other side they have already come down quite a ways. The President originally asked for 230 MX missiles, then 100, now we see Mr. DICKINSON offering 50 MX missiles.

If we do not need 100, we do not need 50. If it is vulnerable with 100, it is vulnerable with 50. I support the Mavroules amendment also because anything reducing the number and expense of the MX is common sense. I would support reducing it to 40. I would support an amendment reducing it to 30 or 20 or 10 or zero as the Bennett amendment does reduce the MX missile.

We have talked about the different basing modes that are ineffective, that have been rejected by this administration and previous administrations. We have talked about the fact that the mobile missile has been slowed down because of all of the money being spent on the B-1 bomber and the MX missile.

If you want to make a strategic decision then, we should talk about spending our money wisely, spending it to strengthen our conventional forces. And if we agree now that we do not need 100 MX missiles, then why pick a number such as 40 or 50?

If the MX is ineffective, if it is vulnerable, if we are going to keep reducing the number of missiles, then why do we not just admit the mistake this House has made, that there is no reason to go ahead with the MX project?

It was stated before that the people that are supporting the MX missile never argue for that missile because the arguments are not there. The MX cannot be defended. It does not add anything to our strategic strength.

We could take this money saved, $2 billion this year and $20 billion in the near future and use a small part of that to guard against terrorism, to prevent terrorism. We could take a small part of that to be spent on the security interests of this country so we can do adequate security checks, so that we have the money, so we can go after spies, so we can stop what happened in the Navy and we can protect our Trident missile program. We could in fact accelerate the Trident missile program. They have the ability to produce faster. While the Trident is still invulnerable, as the most important part of our triad, we could accelerate that program over the next decade with the money that Mr. BENNETT's amendment would save.

So here it is, the Bennett amendment; to save money, a lot of money, $22 billion. Here it is, the Bennett amendment, to strengthen America's defenses, by taking that money out of an MX program that we are now all agreeing by reducing the MX missile below 100, we are all agreeing is not a necessary program, is not a program that has any real strategic value, is a program that is far too expensive, is a program that would be totally vulnerable, is a program that cannot be hardened enough, is a program that we are now admitting is a turkey. It has wasted money. Instead the Bennett amendment, the chairman of the Seapower Committee, gives us an alternative to spend the money wisely for our armed services.

Those Members concerned that we have frozen our defense budget, they should be most in support of the Bennett amendment to be used to strengthen our conventional forces.

We ask for your support. We ask those people who opposed the MX before to continue to oppose the MX. We ask those that are willing to vote for 50 missiles now to admit that it is

not a good program, to vote for zero in the Bennett amendment. We think we can prevail this time because common sense has been opened up in this debate, I think more than any other time. I commend Chairman BENNETT for his leadership in this area and I commend the Member from Massachusetts, Mr. MAVROULES.

Mr. BADHAM. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Thank you, Mr. Chairman. Let me say to start out with that I have great respect for those who have offered the several amendments which would tremendously restrict the MX production. Let me answer that first question, one of the questions that has been asked by the proponents of the Mavroules-McCurdy and the Bennett amendments; that is, does the MX in and of itself have any value? It does have value. The triad system does work. It is a fact that a great many of our bombers would not escape an attack right now by Soviet sea-launched ballistic missiles; it is a fact that our MX missiles if they were based in the Minuteman silos and the Minuteman as they now exist would not escape an attack by the 308 SS-18 missiles that the Soviets might launch. On the other hand, if you had a launch by the highly accurate SS-18's that would give approximately 30 minutes for our bombers to escape, for one leg of the triad to escape, and if you had a SLBM attack on our bomber bases because those are not hard-target-kill-capable warheads, then we would have a chance for our ICBM's to escape. So the triad does work. In fact one of the things that happened that the gentleman from Michigan [Mr. HERTEL], brought up a few minutes ago, that is, the fact we have had problems with security with regard to the Navy, we may have compromised some of our SLBM capability, is one reason we should continue to work on all parts of the triad.

But make no mistake about it, the MX has capability. The technical aspects of the MX, its accuracy, its capability as far as destroying hard targets goes, has not been challenged in the debate, either the earlier debate or this debate.

□ 1640

Here, my colleagues, we have a real chance of undoing something very beneficial that we started in the last debate, and that is that we started to change the minds of the Soviet Union about whether or not this country had the capability of building a bipartisan foreign policy.

You know it was stated by Mr. Shevchenko, one of the top foreign affairs officers for the Soviet Union that the Soviets had no respect for unilateral concessions that the United States might make, and I think if we passed either of these killer amendments today, the Mavroules amendment, the Mavroules-McCurdy or Bennett, I think we would send a distinct message to the Soviet Union that we were now doing something that we, for all the right reasons, refused to do several months ago when Mr. Kampelman came back from the Geneva talks he said, "Don't pull the chairs out from under us."

I remember a statement that Mr. Kampelman made at the White House. He basically said these words: "The Soviets appreciate the apple which falls off the tree that they don't have to pay for, and then are then inclined to sit back and wait to see how many more apples they can get for free."

I think it would do a real disservice to our negotiators at this time if we undid this action that we took only several months ago. In fact, I am a little bothered by the Dickinson amendment; I am a little bothered by what happened in the Senate, but I think we can live with that, and I think our negotiators can live with that.

You know it has been pointed out that Congress does not have to follow the President; does not have to work with the President. This is one time when the executive branch and the legislative branch should work together very, very closely.

We have had our SLBM's compromised to some degree; to what extent, we are not exactly sure of right now. Soviet production of missiles continues to be very ominous, and our response is not thoroughly defined at this moment.

So I would suggest to my colleagues on both sides of the aisle that the prudent course for us to follow at this point is to reject these two amendents, to back up our negotiators in Geneva, and to support the executive branch in its efforts right now, to work out an arms negotiation, a satisfactory negotiation with the Soviet Union.

Mr. MAVROULES. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I think after we look at what has been going on for the last 5 years, the real question we are dealing with here is whether we have had a real defense buildup or some kind of a spending binge. We really need to analyze, just exactly what has happened because of the huge spending increases over the last 5 years. The former Secretary of Defense Melvin Laird, right after this administration took office in November 1980, writing in the Washington Post said:

> The worst thing that could happen is for this Nation to go on a defense spending binge that would create economic havoc at home, confusion abroad, and that could not be dealt with wisely by the Pentagon.

Now, why do I quote Secretary Laird now? Because I think both the Bennett amendment and the Mavroules amendment are on the right track in correcting where we have been the last 5 years.

What have we bought with the increase in dollars in the last 5 years? We know that since 1980 we have increased our spending for strategic forces by 1,400 percent. No, I did not get the figures wrong. One-four-zero-zero percent.

We have increased our spending for conventional weapons 375 percent. Obviously a much, much lower percentage increase than the one for strategic weapons.

Therefore we continue to rely more and more on strategic weapons as a bailout for the conventional weapons gap. Still the figures are fudged, for, because the issue is not how much more did we spend; the question is how much more do we get for what we spent. In the conventional sector we didn't get that much for the additional spending. The shocking thing is to look at the statistics on such things as, say, tactical aircraft; while during the last 3 years of the Carter administration we were getting 227 airplanes per year that were fighter aircraft; we see in the 4 years of the Reagan administration we are getting 172. That is a 24-percent drop.

So we were spending more for conventional weapons and getting fewer conventional weapons out of the other end.

Therefore, you really have to say we were not doing a real buildup; we were building up only the dollars, but as far as the number of weapons systems especially in the conventional segment, we are losing ground. Our spending has been more of a binge; we were spending more per copy and getting fewer copies. This is a very dangerous trend.

Therefore, I think the gentleman from Florida's amendment makes an inordinate amount of sense; we have put too much into strategic weapons and we should start looking more at the conventional gap, and if that amendment fails, then the gentleman from Massachusetts' amendment is the next most sensible of the choices we have.

We must keep looking at the original reason we started the whole MX program to begin with. It was never because the missile was vulnerable; it was because the hole it was based in was vulnerable. So we have watched this whole thing go through more evolutions than I can ever believe; the most amazing thing to me about this debate tonight is how everybody is kind of out of steam; it is very hard to get exercised one more time about the

MX missile; we have been through more basing modes than I am years old; and we never found one that worked.

The solution was, you spend billions and billions and billions of dollars to put a new missile in the same old hole, and it was the hole that was vulnerable from the beginning.

So the fewer of these missiles we buy the more sanity I think that we show. Let's deal with what is really wrong with our forces; we've been lacking in conventional weapons; we're lacking in really having a viable, survivable basing mode for missiles on the land. These amendments allow us to correct these problems.

In fact, it is even worse. Not only were we using the old holes, but we are putting more missiles in fewer holes if the amendments don't pass.

If I were a Russian planner, I would think this was the most marvelous thing the U.S. Congress could do, is to fund these things, because obviously you free up a lot of your missiles, and can shoot at something else. If the United States is going to put more and more and more eggs in the same basket and you already know where the basket is and have figured out how to hit it, a Russian planner would be delighted.

They would say, "Oh, please do not throw me in the briar patch" by putting even more and more eggs in the same basket.

Now let us really talk about the sanity of all of this. I think one of the reasons we have never dealt with the MX as a weapons system per se; as many of the prior gentlemen, who are my friends have discussed before is, because you could not defend it.

One year it was a bargaining chip; the other we were told to vote for it to show resolve; another year we were to vote for the MX to show the Soviets we spend money on anything. Another year, it is modernization; another year it is the triad—well, no one has ever been antitriad, antiresolve, antishowing the Soviets; but on the other hand, let us be sensible.

What do these statistics show us? A 1,400-percent increase in strategic weapons over 5 years versus 375 percent increase in spending for convential weapons shows we have been slacking off in conventional.

Second, then, when you look at the numbers of what we got for that amount, we did not get value. We got fewer weapons for less money. We did not get a weapons buildup but a spending binge.

So I think that the gentleman from Florida's amendment is an excellent idea. If it goes down, I certainly recommend the amendment of the gentleman from Massachusetts.

Mr. BENNETT. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, I want to pay tribute to the gentleman from Florida, [Mr. Bennett] who has led this fight along with my dear friend from Massachusetts [Mr. Mavroules].

The integrity of their arguments and their perseverance on this issue is something that every Member of this body who believes in deterrence ought to applaud.

What these two gentlemen have been saying is, the MX does not buy deterrence. If you fund a target, the target does not deter; the target invites attack, it does not deter attack. The gentlemen have been saying that and they have been saying that consistently.

So I want to pay tribute to Mr. Bennett and state that I intend to support his amendment. If it should fail, I certainly support the amendment of the gentleman from Massachusetts, with who I have worked very hard on this issue and many others, and I compliment him for the work that he has done as well.

The gentlewoman from Colorado said it so extremely well: Throughout all of the hours of debate on this weapons system, very few members, with the possible exception of Mr. Stratton of New York and a couple of others, have ever said that they would like this weapons system.

They have said, instead, that we have got to have the bargaining chip, or they have said we have got to have a demonstration to the Russians of national will. Therefore, we must throw some money at a weapons system, and we chose the MX.

Or they said we have got to use this, we have to fund this weapons systems, because we have got to keep the Soviets at the bargaining table in Geneva; and when that did not work, they said, "Well, we have got to fund more money on the MX because we have got to punish them for going away from the bargaining table in Geneva."

□ 1650

Or they have come up with some other argument.

The intrinsic military purposes of the MX have never really been defended by many Members of Congress, and that is for the simple reason that I stated at the outset of the debate.

My friends, the MX is a target. It sits in the self same silos that the Minuteman III's sit in. The Minuteman III's and their silos represented the so-called window of vulnerability that we have heard so much about leading up to the election of 1980. And now, instead of a missile, the Minuteman III, which has fewer warheads than the MX missile, we are seeing the proposal of putting MX missiles in these same silos that carry 10 warheads, with more accuracy, and, therefore, become even a more inviting target for the Soviets.

If MX is not a target, I do not know what is. Targets do not defend the United States of America. Weapons systems that are survivable, and have a survivable retaliatory capability, are what deter the Soviet Union and what will guarantee this Nation's security. So every dollar wasted on the MX, which is a glassjaw missile, if there ever was one, is a dollar that cannot be invested in survivable retaliatory capability, which is what deters and which does not represent a target in strategic doctrine.

Someone said Midgetman weapons are going to be expensive. They may be expensive, but if we can develop any kind of land-based system that represents survivable retaliatory capability, if that should cost more in terms of dollars but buys deterrence value, I would spend more money on it even though the MX dollar amount may be cheaper that will go down the drain and represent no security increase to the United States.

Please support the Bennett amendment, and if that should fail, support the amendment of my dear friend, the gentleman from Massachusetts.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Tennessee [Mrs. Lloyd].

Mrs. LLOYD. Mr. Chairman, I rise in strong opposition to this amendment. The unfortunate approach of this amendment inevitably polarizes those who would primarily support conventional force structure against those who are primarily backers of strategic programs. I believe that the original amendment is the best way to go and I hope that both this amendment and the substitute will be defeated. In any event, I will not support this "carte blanche" transfer of $2.1 billion to unspecified conventional programs.

There is some room for savings with the fiscal year 1986 funds for MX, but I believe that a reasonable figure for deployment is roughly 50 missiles, since that is the figure used by the arms control moderates when they talk about an instability threshold for a first-strike capability. I do not generally cater to the worst-case response of the Soviets, but in this situation I believe 50 missiles is a level which can be defended. I trust my colleagues will defeat the Bennett amendment as decisively as it was rejected in full committee. No one with an appreciation for the need to arrive at a balanced force structure for our Armed Services could support this proposal.

I urge my colleagues to maintain the Triad strength and national commitment to it, so that development of the MX successor system, Midgetman, can be accellerated and deployed. Let us not rob strategic programs which are well understood to provide a blank check for conventional programs

which are not even identified. We are already moving thoughtlessly toward a 600-ship Navy which has not yet been subjected to any real scrutiny by the committee or the Congress.

Mr. MAVROULES. Mr. Chairman, I yield 5 minutes to my distinguished colleague and friend, the gentleman from New York [Mr. GREEN].

Mr. GREEN. I thank the gentleman from Massachusetts for yielding time to me, and I want to commend him and the gentleman from Florida on their amendments, because I think that, while there is still time, we ought to do the prudent thing and try to hold down spending on a weapon that simply has failed to accomplish what we set out to accomplish when we first funded it and use our resources more prudently.

Now, we all know the history of this weapon. It is a weapon which, basically, got its start in the Carter administration at a time when that administration rightly decided that the Minuteman III silos were becoming increasingly vulnerable as the Soviets increased the accuracy of their land-based missiles.

So we went through a long series of endeavors to develop some way to position a land-based missile so that we would avoid those vulnerabilities. We all remember densepack and the racetrack and all of the other imaginative schemes that were tried and ultimately failed.

So where are we today? We are putting the expensive MX missile in the very same silo whose vulnerability was the very reason for starting on the MX R&D program. It is just as vulnerable now as the Minuteman III setting in those same silos. We have not solved the problem we set out to solve when we started spending this money. The one thing, it seems to me, we in this House have to learn in the defense budget, as elsewhere, if we are ever going to get our budgets under control and get these deficits down, is that we have to cut our losses when we have tried something and it does not work. And in the MX, we have tried something and it does not work.

For that reason, I think we ought today to bite the bullet. I think that the amendment offered by the gentleman from Florida is the best way to bite that bullet. But, reality being what it is, if that amendment does not pass, then I think the gentleman from Massachusetts has given us a sensible path, so that those who feel that there is some modicum of deterrence gained by the greater accuracy of the MX missile can have some of that greater accuracy, but so that we can stop spending money on a weapon that cannot survive that Soviet first strike.

There is another reason, which has not been as frequently alluded to, which strikes me as establishing the imprudence of spending more money on the MX missile at this time. That is simply the fact that, according to the information that has been made available to me, the MX has gone through fewer than half of the tests it must go through before we will know its full acceptability. And while, from everything that I have heard about those eight tests, they have proceeded satisfactorily, nonetheless there are important elements in the system, like firing it from a silo, that have not yet been tested. And for us to rush ahead with so much of a program at a time when we do not even know, and the tests have not been held to establish, whether this thing really works or not, is not prudent management at a time of budget tightness.

So both because the testing situation is such that it really does not make sense for us to be committing ever more money to this system, and because of the fact that this system has simply failed to perform the function for which we initiated the program, I urge my colleagues to support the Bennett amendment; and if that, perchance, should not get a majority of the votes, then, at least, to put a reasonable cap on it through the limit that the Mavroules amendment would give us.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I think the debate has been informative, but it is important to recognize where we were and where we are today. A few years ago, everybody will recognize and remember that President Jimmy Carter requested the MX missile and asked for 200 of them. Ronald Reagan reduced that request by 50 percent, reducing that request to 100 missiles from 200 missiles. Today the issue is whether we should further reduce that from 100 missiles to either 50 or 40. You can recognize that what we are dealing with here are reductions in the original request and reductions in the subsequent request.

To back up again, earlier this year the administration requested 48 MX missiles for fiscal 1986 in the authorization and appropriations bill. The House Armed Services Committee reduced that 48 to 21, a cut of 27 missiles from what was requested by the Reagan administration.

The Dickinson amendment, which I rise to support, further reduces that by 13, for a reduction of 40 missiles from the administration's request top 50, to only 8 additional missiles for fiscal 1986.

I think it is important to keep this in perspective. It has gone from 200 down to 100, now down to 50. This year's request has gone from 48 down to 21, and now down to 8. So the Dickinson amendment is a substantial reduction for the authorization 1986 from the original request of 48 to a request of only 8 missiles.

□ 1700

Second, the Mavroules amendment does something I think that is very important to recognize. The Congress, this body and the other body, with the help of the administration, authorized the deployment of 42 MX missiles. They have not been deployed yet, but 42 have been authorized. The Mavroules amendment reduces that to 40. So basically the Mavroules amendment undoes what we did last year. It is a cut from what we authorized in prior Congresses. It is a reduction from 42 to an actual 40.

It was mentioned briefly, but I do not think enough emphasis was placed on it, that is really makes no sense to deploy 40 MX missiles because of the way they are configured. Because of the fact that missiles come in squadrons and squadrons require the deployment of 50 missiles. As a matter of fact, it has been determined by the Air Force that it would cost approximately $100 million in research and development to mix MX with Minuteman III's. So the reduction to 40 missiles from the 50 that the Dickinson amendment requested requires additional R&D that buys you nothing; it does not buy you additional security. It buys you nothing at all but the cost of additional R&D to marry two types of systems.

Basically what we are suggesting here is the fact that from a pragmatic, functional standpoint, from a deployed standpoint, it makes no rational sense to reduce from a higher number to 40. Fifty is what we planned on; 50 is necessary in order to get full benefit of the type of command and control that is necessary.

I would also like to mention the fact that what type of a message, and I think this has been mentioned before, what type of a message is this type of an amendment now going to give our negotiators in Geneva. It has been mentioned that Max Kampelman came to the Congress a few weeks ago when we discussed this issue before; he pleaded with this body to show resolve. He pleaded with this body to show that the United States has some strength. He wanted to make sure that we did not remove from the negotiators that which they could negotiate: A further reduction, unilateral, before they are seriously negotiating, gives the absolute wrong signal to the Soviet Union. It makes no sense whatsoever.

I am concerned about perception here, and I am concerned about the type of message that this unilateral action will have on our negotiating team in Geneva. What type of strength will they have in negotiating

with their very strong counterparts if we unilaterally before they get into substantive negotiations, further reduce the deployment of the MX missiles?

Finally, I would like to mention the fact that we have come a long way in negotiating MX. We are almost here; I think basically we are at the very end. Not long ago, in the other body, there was a supreme effort by the administration, who was asking for 100 MX missiles, the Scowcroft Commission that basically said a minimum amount of deployed MX's is 100. We have now negotiated and compromised to 50. That compromise is now within our grasp.

The CHAIRMAN pro tempore (Mr. RUSSO). The time of the gentleman from New Jersey [Mr. COURTER] has expired.

Mr. DICKINSON. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. COURTER. I thank the gentleman.

Mr. Chairman, it makes no sense now to further compromise. This should be the last vote on MX. Let us make sure that the request is not reduced from the original 200 to less than 50. Fifty is the minimum that the administration needs. I think we should support the 50 and the Dickinson amendment.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman.

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, to clarify a couple of points which I think are very important. No. 1, in the gentleman's statement, he says under my amendment, along with Mr. MCCURDY, that we eliminate all. Actually, what we are doing is giving to the Congress and the administration funds for eight deployable missiles, that is correct. In my amendment, which is $929 million, what you do is you deploy an additional eight missiles. Without those funds, you cannot deploy them. So, therefore, you are going from 32 to 40.

I want to clarify that one position. Item No. 2, when you refer to the 200-missile system under Jimmy Carter, is it not also correct to state that under his MX proposal, was that not supposed to be a mobile system?

Mr. COURTER. Yes, it was. I thank the gentleman for bringing it up because it strikes me that many of those people that are in favor of your amendment, and they are saying they are in favor of it because they say that the MX is not secure, that it is vulnerable, are the very ones that said that we should not have a race track. They basically took that position.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey [Mr. COURTER] has again expired.

Mr. MAVROULES. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. COURTER. I thank the gentleman for yielding me the time.

Mr. Chairman, they basically took a position creating a situation prohibiting the mobility of the MX missile then saying that it is vulnerable because it is not mobile. But they created the vulnerability by virtue of their position with regard to mobility.

Finally, I thank the gentleman. I really disagree with the gentleman's interpretation. The Congress has voted for the deployment of 42 missiles. It has not funded sufficient missiles in order to accomplish that fact, but under the vote, we could have deployed 42. Your amendment would reduce that to 40.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman.

Mr. MAVROULES. The one point I want to make very clear is that under the Mavroules-McCurdy amendment, there is funding there for an additional eight missiles to be deployed. By the way, that includes spare parts; it includes the entire funding to deploy an additional eight missiles. I want that known as a matter of fact.

Mr. COURTER. Well, the gentleman and I have a different interpretation I thank the gentleman for his yielding me additional time.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, could the Chair please advise those of us controlling the time how much time remains?

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] has 12 minutes remaining; the gentleman from Massachusetts [Mr. MAVROULES] has 14½ minutes remaining; and the gentleman from Florida [Mr. BENNETT] has 20 minutes remaining.

Mr. DICKINSON. I thank the Chair.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the Mavroules-McCurdy amendment because I believe it is the proper way to bring the long, acrimonious, and devisive debate on the MX to a proper conclusion.

When the first defeat that the MX incurred on basing mode on the dense pack took place, the Air Force took stock of the MX, its current situation in the Congress, its inability to find a home, and concluded that it would be realistic to provide a hiatus at which time 40 missiles could be deployed in existing silos.

Several years later, I think we have wisely concluded that perhaps they were right even then. It is the proper place to stop. Mavroules-McCurdy has a legitimate and realistic approach to this system. It does not attempt to deauthorize it or make it inoperative by limiting the number of missiles that would be used for tests, for spares. It keeps, for a while, a warm assembly line. It does, however, bring to an end a system that has never had a home, and has always been sold to Congress simply as an arms control vehicle.

I think we all understand that we have a constrained budget environment stretching out as many years as most of us are going to serve in Congress. There is no willingness to talk in terms of new revenues. David Stockman has just estimated that we will have a budget deficit in 1988 of $175 billion; not the $100 billion that the President had attempted to bring it to.

We know we are going to be dealing in a very tight, strategic budget in the Armed Services Committee and indeed this Congress is going to have to make choices about where to put its dollars. Not just choices between conventional and theater and strategic weapons. That we have to do as well, but when we look at the future of our strategic systems, we have to opt for those that have passed far more rigorous tests than the MX has passed.

We have a D-5 to be deployed in the Trident. We have a very advantageous Stealth Bomber Program, which hopefully, will immediately follow on the procurement of 100 B-1B's.

□ 1710

We clearly have in the Midgetman, although the difficulty of deploying it has not been fully explored, an option that does make a more compatible and secure land-based system, one that we can utilize in the context of our arms control discussions in Geneva.

We have, therefore, better approaches, better ways to spend our dollars, than simply procuring more MX's because that process is under way; certainly better ways of deploying land-based missiles than in the vulnerable silos of the Minuteman.

This amendment recognizes budget realities, recognizes strategic realities, does not undermine those negotiating for us in Geneva. In fact, I would argue that it actually bolsters their ability to claim that we will have a modernized and stabilized strategic deterrent. It does not go back on decisions we have made in very difficult days in the past, and yet it realistically says, "Enough is enough."

The administration always seems to want a little bit more. I think they will take whatever the Congress will give them. But in this instance, I think it is far more important for us to look at the fact that this is a cap that requires

the reauthorization of this system in the context of competition with other more valid systems. This is not a "sense of the Congress" resolution that simply says, "Let us take a temporary hiatus at this point and take a look in a few months." This says, "We have done about all we can do with this very vulnerable system."

So I urge that the Members of this body put an end to this debate and move on by supporting the very balanced compromise that Mavroules-McCurdy presents.

Mr. BENNETT. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, at this time I yield 3 minutes to the distinguished gentleman from New York [Mr. STRATTON].

Mr. STRATTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, we have been talking a good deal in this Chamber and in the press in recent weeks about waste, fraud, and abuse. But I cannot think of anything that would be more in keeping with waste, fraud, and abuse than what the Bennett amendment would bring about.

Here we have spent some $12 billion in developing this MX weapons system, and although some speakers say it does not work, the fact of the matter is that it does work. It is accurate; it has the proper weight and the proper explosive capability, and it has in fact deterred the Soviets from attacking us.

But the Bennett amendment would not only strike out the missiles that we voted for a couple of months ago in the 1985 budget, under that strange arrangement of four votes; Mr. BENNETT's amendment would even eliminate the funds for basing mode for these 21 missiles we voted for earlier. This is a little bit like the Air Force. The Air Force decided that they had too much money invested in spare parts, so they got rid of the spare parts; and then later on they had to buy those parts back at about three times the cost!

I do not know how one can peddle an MX missile warhead over to Europe to try to encourage General Rogers in carrying on conventional warfare. I do not know what you do with an unused missile and what you do with an unused basing mode. We are just putting the money down the drain in the Bennett amendment and I think this is a rather shocking kind of thing to do.

I would like to see the 50 missiles. I think the gentleman from Alabama [Mr. DICKINSON] has the right idea. The Mavroules amendment is somewhat along the lines of the Dickinson amendment, but it has one flaw. It does not indicate, as they have indicated in the other body, that they will approve more missiles if a better sheltered type of basing mode can be found, with elements of deception and with more mobility. That is what we ought to be doing here. We are simply "pausing" at 50 missiles in the Dickinson amendment. In the Mavroules amendment we are capping them out. Why should we cap them? Why should we say that this is the absolute end?

Let me further, Mr. Chairman, indicate that we have, I think, been forgetting what has been happening in the Soviet Union since our last vote. Here is the Defense Daily for Tuesday, June 11. The Soviets are accelerating new generation of ICBM's while we are here trying to wipe out our own best missile, the MX.

The CHAIRMAN pro tempore (Mr. RUSSO). The time of the gentleman from New York [Mr. STRATTON] has expired.

Mr. DICKINSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York [Mr. STRATTON] in order that he might respond to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to my friend, the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for his statement and say that I rise in strong support of the Dickinson amendment.

I am struck by the fact that again we are called upon to debate the question of deploying the MX intercontinental ballistic missile. Again we must revisit the arguments as to why the United States must defend itself against the ever-growing Soviet nuclear threat and, again, we must restate certain facts about the U.S. ability to deter nuclear aggression by our avowed enemy, armed with nuclear forces capable of destroying practically all of our land-based retaliatory weapons in a first strike.

Let us review the record for a moment, Mr. Chairman. Under Presidents Nixon, Ford, Carter, and now Reagan, we have sought the perfect land-based nuclear missile. It has yet to be found or deployed. President Carter (a Democrat) proposed 200 MX's. Today, however, we debate 12 missiles instead of 21 missiles, 40 MX's instead of 100, and 100 missiles instead of 200. So much for President Carter's and President Reagan's requests.

Let us review the prime reasons why the United States needs to deploy the full complement of 100 MX's, Mr. Chairman, and at the same time address the key arguments that have been offered in opposition to the MX. First, the U.S. ICBM force is aging and needs replacement, not in the middle of the 1990's but now.

The Titans are being rapidly retired. Why? They are unreliable and hence do not contribute to deterrence. The Minuteman is now over a decade old and is becoming increasingly unable to fulfill its mission. In fact, from Vandenberg Air Force Base in my district in California, the Air Force and SAC take operational missiles from their silos in the Central United States and test-fire them for reliability and performance. Several Minutemen tests have failed recently, due to missile defects. I am certain my good friends on the Armed Services Committee would attest to this. We hate to acknowledge it, but such test failures are a fact nonetheless. These missiles are simply old and not as reliable as they once were. They need to be replaced by the MX.

Second, let us look at Soviet ICBM deployments, Mr. Chairman. The Soviets' SS-18 ICBM force alone has the yield and accuracy to enable it to destroy every hard target here in the United States. Again, they could attack us with only a small portion of the SS-18 force, keeping the rest of their nuclear forces in reserve, and be insured of destroying over 90 percent of our land-based retaliatory missiles.

Since 1979, when SALT 2 was signed, the Soviets have added almost 5,000 strategic nuclear warheads to their already burgeoning inventory. This has been nearly an 80-percent increase in the number of Soviet nuclear warheads aimed at the United States since SALT 2 was signed. Nearly 80 percent. So much for Ambassador Gerard Smith's statements regarding the U.S. "objective of follow-on negotiations * * *" after SALT 1 was signed in 1972. If you recall, Mr. Chairman, Ambassador Smith, on behalf of the U.S. Government, said in "unilateral statement A" that our objectives in continuing to pursue arms control negotiations with the Soviet Union was "to constrain and reduce on a long-term basis threats to the survivability of our * * * strategic retaliatory forces." Has the survivability of our land-based forces been increased, Mr. Chairman? Has the Soviet threat been at all "constrained and reduced"?

It is also often stated or assumed that the quantity of nuclear weapons has steadily increased, and that we now have more nuclear weapons than ever. That is, in fact, the case for the Soviet Union, whose stockpile has grown without interruption ever since the USSR first acquired nuclear weapons in 1949. For the United States, the exact opposite is true: The number of weapons in the U.S. nuclear stockpile is now at its lowest level in 20 years. In fact, the number of nuclear weapons in our total inventory was one-third higher in 1967 than it is today. The current yield total, or explosive power, or our nuclear weapons stockpile is

today only one-quarter of its peak in the late 1950's and early 1960's.

The United States has unilaterally dismantled and destroyed several poseidon submarines, several Titan missiles, and tens of B-52 nuclear capable bombers, due to age and unreliability. The United States and our NATO allies have unilaterally withdrawn over 1,000 nuclear weapons from Europe and will be removing an equal number of warheads from service as the Pershing 2's and GLCM's are deployed, themselves as response to the Soviet's massive deployments of SS-20's. And, as was driven home in the President's recent report to Congress on continued U.S. observance of SALT limits, we remain in complete compliance with all SALT provisions.

Where, Mr. Chairman, is the alleged arms race for which many here in this body seem to blame the United States? If there is an arms race, it is surely one-sided.

If this Congress cuts the MX program, or if we in effect kill it, we will have less than 500 prompt, hard-target warheads for a Soviet target base of well over 5,000 targets, including the deep underground command posts that the Soviet Communist Party political and military leaders would hide in and direct a global war against the United States from, should such a conflict erupt. We cannot even target hundreds of these locations, Mr. Chairman. They have been placed in sanctuary by Congress' refusal to approve funds for 100 MX's. The Congress has become the guarantor of the survivability of Soviet military targets.

We can barely find, much less target, Soviet mobile missiles—those both overtly and covertly deployed—and we can only guess how many ICBM's the Soviets have secretly built and hidden from our reconnaissance satellites. Furthermore, some analysts say the SS-18 ICBM has 10 warheads. Others note that it has been tested with 14 warheads. Still others believe that in time of war they could load up to 30 warheads onto these monster missiles. What would that do to our ability to insure the survivability of our land-based retaliatory capability? But do we even consider providing funds for programs like the MX which can hold a similar percentage of Soviet hard targets at risk—those targets which the Soviets themselves have repeatedly say they value most? No. Today, my colleagues, we discuss funding for just 40 MX missiles.

Mr. Chairman, let us also inspect the argument that some opponents of the MX have used: That is, that we should hold off, not worry about the Soviet threat today, and wait for the Midgetman. It's just like many of our colleagues to stridently oppose those weapons systems like the MX close to actual deployment. These are the same Members who believe our problems would best be solved by the weapon that is not yet ready, just around the corner.

True, the Midgetman will be less vulnerable than MX deployed in Minuteman silos. But this is only the case of the Soviets cease the proliferation of accurate warheads. The Soviets are within just 1 year we are told of deploying both the SS-24 and SS-25. The SS-25 mobile ICBM is especially disturbing because it is highly MIRV'd, accurate and counterforce capable. So the proliferation of accurate warheads, which could be used to barrage the limited deployment area of the Midgetman, in essence ensures that that system, too, will be somewhat vulnerable.

The bipartisan Scowcroft Commission has said we must at once redress the Soviets' expanding lead in prompt, hard-target kill capability—itself a dangerous outgrowth of SALT and the inability of the arms control process to assure the survivability of our retaliatory forces. In order to redress this current destabilizing imbalance, the Scowcroft Commission argued, the Congress will either have to deploy 100 MX's or speed up the Midgetman program and deploy in the near-term about 1,000 of that single-warhead missile. Yet, I here neither option being discussed today, Mr. Chairman. In fact, the cries have already been heard in these hallowed halls saying the Midgetman is too expensive and even too capable.

The Midgetman is only a partial solution to our strategic problems. If those who are now arguing for the Midgetman and against the MX because of its vulnerability were to put their money where their mouth is, they would offer and vote for an amendment providing funding for speeding up the research and for procuring Midgetman. The most dangerous threat we face, my colleagues, is not in the early 1990's, but is instead now.

Again, Mr. Chairman, I hear no substantive responses. We are instead faced with a decision to deploy just 40 MX's, and this is after the Soviets have deployed over 600 MX-type ICBM's since 1979; 600 since 1979.

The Midgetman, which I support, and think ought to be speeded up, will be big bucks; let's all admit that right now. The cost of 40 or 50 or even 100 MX's will pale in comparison to the costs associated with researching, developing, manning, protecting and making mobile the Midgetman.

I sincerely question the intentions of those Members who are now saying that we should forgo the MX for the Midgetman. It will be interesting to see how many of those Members in the future vote the funds needed to build a sufficient number of Midgetmen.

Mr. Chairman, we continue to hear that the MX is flawed because it is vulnerable. Well, both the Carter administration and the Reagan administration have offered numberous plans for deceptively basing the MX or defending it. Take, for example, the racetrack option—an idea which would have cost $46 billion. Where were those who today complain about the MX's vulnerability when this proposal was offered? They were calling it too expensive. The dense pack basing mode would have also protected the MX. It too was shot down by the Congress. Air-based MX's suffered the same fate as did, I am told, hundreds of alternative basing modes to make the MX less vulnerable.

I am afraid, Mr. Chairman, we are witnessing a call for killing the MX and getting nothing in return. Instead of negotiating it away in exchange for SS-18's or SS-24's or SS-25's, the Congress is unilaterally giving the Soviets exactly what they would have otherwise had to bargain for. If opponents of the MX think we shouldn't fund it because it's vulnerable, let's see them put up the money for either defending the MX—which is technically feasible today with existing off-the-shelf technologies—or rapidly deploying the Midgetman in sufficient numbers—which I propose will never happen because of the Congress' concern about the missiles' great costs.

This vulnerability issue will not go away, Mr. Chairman. Political and military strategists from both parties have lamented systems which are vulnerable when deployed, like the MX. We now hear calls from Members of this body to cancel the MX program, to cap its deployment at 40, because it is vulnerable. MX would be acceptable, it is argued, if it were less vulnerable.

Mr. Chairman, everything I have said has been known by this body for several years. The Congress has considered and rejected invulnerable and deceptive basing modes for the MX. And now the House stands ready to slash the SDIO budget in those areas that are most promising for defending the MX, as well as actual MX procurement funds.

I submit that those that are decrying the MX as too vulnerable are avoiding reality, Mr. Chairman. If vulnerability is a problem, let's redress it here and now. Let's defend MX or approve dense pack or racetrack or some other basing mode. Let's cut the rhetoric and get on with the business of providing for the common defense as the Constitution demands.

I will vote for the MX today, Mr. Chairman and my colleagues, because we need it to deter the Soviets; to replace our aging and unreliable ICBM forces; to improve our chances of reaching a decent agreement in Geneva, and to redress the destabiliz-

ing advantage the Soviets hold in hard-target kill capability. Let us remember that, as President Reagan has said, "A nuclear war cannot be won and must never be fought." If we are serious about our constitutional responsibilities of defending this Nation, if we are serious about the MX, if we are serious about deterring Soviet nuclear blackmail and aggression, if we are serious about remaining confident in our ability to deploy sufficient forces and strategic defenses for our own protection, then let us recognize these facts and get on with approving MX procurement money. If we are not serious, we are wasting the taxpayers time and money, Mr. Chairman, and are sending a dangerous and altogether incorrect signal to both our enemies in Moscow and our allies in Europe, Asia, and elsewhere, about our willingness or resolve to defend ourselves and our interests.

I urge my colleagues to support the MX and defeat those amendments which would cancel the much-needed MX Missile Program.

Mr. STRATTON. I thank the gentleman.

This information comes from the National Intelligence Estimate, November 3, 1985. It indicates "a dangerously worsening state of Soviet military supremancy as a result of significantly changed judgments," and here we are going to scrap the MX, which we have already paid $12 billion for. It makes no sense whatsoever.

Mr. MAVROULES. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I am pleased to yield to my friend, the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, the one thing that I want to say is that while we keep coming out with new reports of the Soviet military power and the Soviet might, one day, probably, we will learn from past experience to come out here just one day and talk about the great powers that we have here in the United States, and then we can make an honest comparison. I do not think those comparisons hold water.

Mr. AuCOIN. Mr. Chairman, in behalf of the Mavroules amendment, should the Bennett amendment be defeated, I think there is another point that we have not yet considered today, and I think we ought to, and that is: How are we going to build the Midgetman and the glass jaw MX at the same time?

It appears that President Reagan, in what is beyond a doubt the wisest dicision of his career is apparently going to continue to observe the SALT II treaty. This treaty permits only one new ICBM. It allows us to build either the glass jaw MX or the Midgetman, but not both.

It is true that there is some concern that the Soviets may have violated this provision with the SS-24 and the SS-25, but while the evidence for the SS-25 being a new missile is somewhat ambiguous, there would be no ambiguity whatsoever about the combination of construction of the glass jaw MX and the Midgetman together on our side. This would be a violation of SALT II beyond doubt.

It is also true that we have declared the glass jaw MX to be our one new missile, and that the treaty provides no way to amend this declaration. If we want the Midgetman, and I think we should move toward it, we are going to have to renegotiate the SALT II treaty. But every glass jaw MX we build, and certainly every glass jaw MX we deploy, is going to weaken our Midgetman negotiating position.

□ 1720

If we want Midgetman, which is a survivable retaliatory missile system, we need the tightest possible cap on the glass jaw MX, vulnerable as it is.

Finally, some glass jaw MX advocates say it is more efficient to deploy 50 glass jaws rather than 40 glass jaws—we heard it just a few minutes ago—because ICBMs are set up in squadrons of 50. I hope the Members will understand that it is true that a squadron of 40 glass jaw MX's and 10 Minuteman missiles would be cost-ineffective. But the solution is fairly clear, it seems to me.

The CHAIRMAN pro tempore (Mr. Russo). The time of the gentleman from Oregon [Mr. AuCoin] has expired.

Mr. MAVROULES. Mr. Chairman, I yield 1 additional minute to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, it is to deploy 40 glass jaw missiles, not 50, and retire the 10 Minuteman missiles, limiting the deployment of the glass jaws to 40 and retiring 10 Minuteman missiles from that squadron to make room for the 10 Poseidon submarines that you would have to otherwise dismantle in order to stay under the SALT II ceilings. Poseidons are infinitely more survivable than either MX or Minuteman missiles. I think we can all agree that 10 survivable Poseidons are infinitely worth more than 10 nonsurvivable ICBMs, be they Minuteman or be they the glass jaw MX.

The gentleman from New York [Mr. Stratton] said that the approach of both the Bennett and Mavroules amendments is like the Air Force selling off spare parts and then buying them back again. Actually building the glass jaw MX is a lot more like the Navy at Pearl Harbor when it put all its stock on the deployment of nonsurvivable basing for military assets which the enemy force consequently moved in and absolutely blew to smithereens.

So, Mr. Chairman, it seems to me that we ought to support the Mavroules approach and the Bennett approach, and I hope that my colleagues will do that.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. Dickinson] has 8 minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in concluding for my amendment, let me say that there has been a great deal of controversy generated over this missile system over a number of years. I would hope that by this vote today and the action of this Congress we can resolve the question and go on to other things, putting that behind us. Let us make it a final, finite decision today so we know where we stand and go on about our business and look at other strategic systems, devoting our time to matters that deserve our attention, because we have rehashed this so many times.

There are Members in this body who do not want the MX at all. Some forthrightly and outrightly say that they do not want it and say they are going to vote against it. That is fine, and that is their right.

There are others who would like to be a little devious about it and kill it a little bit at a time. That is really the effect, not necessarily the intention, of the authors of the amendments, but that is the effect of what we are doing now. If we cannot kill it outright and meet it head-on, then let us just whittle it to death.

So this is what we have done: The Carter administration has come out, and Mr. Brzezinski has said, that we need 200. This administration said, well, 100 would be adequate, so we cut it in half. Now, in the face of political realities and other things, the administration and now the other body have agreed and have settled on cutting that in half to 50. That is what I am offering by my amendment, to make it conform to what the other body has already done in this Congress and what has been agreed to by the Department of Defense and by the President and this administration. We would limit it to 50, and build 1 squadron, a deployable squadron, a workable squadron of 50. At that time we will stop. We will go forward and build test missiles only. We will keep the production line warm and go forward for 1 year or 2 years to give the Soviets an opportunity to come and negotiate in good faith with our negotiators in Geneva.

That is what we are offering here, in addition to the $228 million worth of savings. This is something this country needs. It gives us an opportunity to show our good faith to negotiate perhaps in the future down no nuclear

weapons. But in the meantime we are not throwing away a capability either to build or to deploy. We are deploying one full squadron, and it does not make any sense to deploy 80 percent of a squadron or to mix it with the Minuteman.

So we are being asked and I am asking the Members to just stop at 50, continue the warm line, and let us see if this will bring desirable results in Geneva. To do less really is penny-wise and pound-foolish. Otherwise we are not getting the full value of the money already spent in research and development and the hardening of our deployment sites. This is the rational way to approach it.

The first vote will be on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES], and he would come in instead and say, "Don't go 50, go 40." But I think there is another thing we need to look at. How vulnerable are the legs of our triad?

Well, we know that in all probability this is the most vulnerable, particularly without hardening of the basing sites. Secondly, we say, "Well, we have the B-1."

Well, we do not have the B-1 yet. We will have it sometime in the future. Well, we do have the air-breathing leg of the triad, and then we have always relied on the security of our Trident and our submarine force.

But I hope the Members of this body will stop and reflect for a moment and wonder, as I do, how much the Walker family spy revelation has hurt the security of our submarines at sea. We do not know. Those of us on the committee and those of us who are privy to inside briefings do not know. We do not know how much it is at risk. So what we should do is certainly enhance our capability there, but let us not diminish our capability with this leg of the triad.

I would like to correct one thing that has been said before about my amendment being a sense-of-the-Congress only, and that it has no legal effect. This is not true. One paragraph says that "It is the sense of Congress," but if you would look on page 2, paragraph (b), where it says, "Limitation on fiscal year 1986 and earlier funds," it says—and this is law—

None of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 or any prior fiscal year for procurement of missiles for the Air Force may be used—

(1) to deploy more than 50 MX missiles in existing Minuteman silos;

(2) to modify, or prepare for modification, more than 50 existing Minuteman silos. . .

(3) to acquire basing sets for more than 50 MX deployed missiles. . .

So this goes on and it does in fact legally limit it to 50.

So the bottom line is, will we settle for half of what we wanted, which is a reasonable number, and conforms to what the administration has agreed to and conforms to what the other body has done in passing its defense authorization bill this year?

Mr. Chairman, this is a workable number. It completes one squadron, and it saves $228 million. If we can get this behind us, then we will not have to vote on it next year and the next year, and we will never have to vote on it again until and unless the administration decides that the Soviets will not negotiate in good faith, at which time they will come back to us and say, "Let's go forward. We have kept the line warm. Let's go forward with the building of it." And I hope to God that time never comes.

I would ask the Members to vote no on the Mavroules amendment so we can reach my original amendment and vote for the 50 missiles.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MAVROULES] has 6½ minutes remaining, and the gentleman from Florida [Mr. BENNETT] has 20 minutes remaining and has reserved the balance of his time.

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

□ 1730

Mr. McCURDY. Mr. Chairman, I appreciate my colleague yielding the time.

Mr. Chairman, I would like to take just a moment at the end of this debate to attempt to clarify the parliamentary procedures under which we are operating and to explain the possible votes, if I can.

The gentleman from Alabama [Mr. DICKINSON] has offered an amendment to provide for 50 deployed MX missiles and to have a pause for fiscal year 1986.

The gentleman from Massachusetts [Mr. MAVROULES] and myself have offered an amendment as a substitute for the amendment of the gentleman from Alabama [Mr. DICKINSON] to place a permanent cap on the MX missiles at 40.

The gentleman from Florida [Mr. BENNETT] has offered an amendment to our amendment which would provide no moneys and zero deployment for this year.

Now, the Bennett amendment would be the first in order for a vote. After the Bennett amendment is either voted on, dispensed with or whatever, then the gentleman from New Jersey [Mr. COURTER] has indicated that perhaps he will offer an amendment to the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES] and myself.

If that is the case, and the gentleman from New Jersey [Mr. COURTER] does offer his amendment, then I intend to offer the same language that we offered earlier as an amendment to the amendment of the gentleman from Alabama [Mr. DICKINSON].

So what that would do in effect is still provide for a vote on the McCurdy-Mavroules amendment first on 40 missiles capped, after which we would have a vote on the Dickinson amendment at 50.

Now, I am sure after that explanation everyone is thoroughly confused, but what I am trying to say is that any way that it is offered, we intend to offer our amendment as such to provide for a vote first on 40, after the vote on the Bennett amendment, and then conclude with a vote at 50.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to my colleague.

Mr. MAVROULES. Mr. Chairman, the gentleman makes an excellent point and the point that I want to make at this time is that the gentleman from Alabama [Mr. DICKINSON] and I had a gentleman's agreement and we went before the Rules Committee. The gentleman from Alabama [Mr. DICKINSON] had the alternative as to whether to offer it first or take the back end.

I acceded to his wishes, as two gentlemen do. The gentleman decided to go first.

I agreed with the gentleman from Alabama [Mr. DICKINSON] before the Rules Committee; so what we are saying, this was set up through the Rules Committee. People voted on the rule today. If indeed the gentleman from New Jersey [Mr. COURTER] is going to offer, and that was not part of the agreement, I have to be up front here, then we are forced to offer an amendment to the Dickinson amendment and get the first vote.

I think we can save ourselves an awful lot of time here if we stick to the agreement made between the gentleman from Alabama [Mr. DICKINSON] and myself before the Rules Committee.

Mr. BENNETT. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I rise in support of the Mavroules-McCurdy amendment, and in opposition to the Dickinson amendment.

The real choice before us today is an amendment that closes the door on MX deployments, and an amendment that puts a revolving door on MX deployments; between an amendment that brings an end to the MX battle, and an amendment that assures the fight will continue.

As you know, Congress has now authorized production of a total of 42 MX missiles, with approval of the second 21 coming only after being sub-

jected to a "big max attack"—a massive lobbying effort by the administration and its chief arms control negotiator, Max Kampelman, to convince my moderate colleagues that voting against additional MX missiles would "knock the legs out from under the bargaining table."

While many of us argued that a continued fencing of these funds would actually give the United States more leverage at Geneva, the administration won that battle. It got its 21 MX's.

Well it now looks that the administration may have won the battle of the second 21, but is now in danger of losing the war for the full 100.

There is a growing consensus that the approval of more MX missiles makes little strategic sense, will place an intolerable burden on the taxpayer, and can no longer be justified on the basis of the obviously stalemated Geneva negotiations.

While I would have far preferred to see none to these destabilizing missiles deployed, halting MX deployments at 40 seems a logical stopping point for the program for several reasons.

First, it would keep the MX Program below a level which would seriously threaten a first strike. According to a 1982 Air Force report, "the initial deployment of 40 MX's in existing silos will be sufficient to hold the most threatening Soviet silo sanctuaries at risk." If this is the case, there is absolutely no need for us to build more MX's.

Second, we can no longer afford to continue throwing good money after bad, to the tune of $40 billion. We all know that the MX will be vulnerable to a Soviet attack, and none of the administration's elaborate rationalizations for building the missile has been able to alter that fundamental fact.

Finally, it is now obvious that further production of the MX will have little or no impact on the ongoing Geneva talks. The administration never viewed this missile as a bargaining chip in the negotiations in the first place, and at this late date its status no longer appears central to the negotiations—which are at an impasse over star wars.

Placing a permanent statutory limit on the deployment of MX missiles would make it clear that Congress is no longer willing to support a continued expansion in this program.

It would close the door on the MX debate—once and for all.

The Dickinson amendment, in contrast, would provide continued funding for a further expansion of the MX program. Under this amendment, a meaningless 1-year cap of 50 missiles would be established, and 12 new flight tests missiles would be authorized. The deployment cap would only apply to MX's in Minuteman silos.

Approval of the Dickinson amendment will merely open the way to a renewed MX flight next year. Both Caspar Weinberger and Robert McFarlane have indicated that they view the 50 cap as "50 on the way to 100."

Do you think they are really going to stop at 50?

I say that if we're going to cap MX deployments, let us cap them once and for all.

Let's nail the door shut on further MX deployments, not leave it open.

Let's defeat the Dickinson amendment, and vote for the Mavroules-McCurdy cap of 40 MX missiles.

What are we doing?

Are we spending to build America's defense, or are we engaged in a buildup for buildup's sake? These MX missiles serve no rational purpose, and there is no rational argument for them.

We've heard argumentation ad absurdum to save this god-forsaken, worthless weapon.

The reason first was that we needed the MX because we had a window of vulnerability, but it turns out that the MX is going to be deployed right in the middle of that window of vulnerability. So MX supporters said, presto chango, the window of vulnerability no longer exists.

A year ago, they said we need the MX because we aren't talking to the Soviets.

This year, they said we need the MX because we are talking to the Soviets.

We gave them the MX, and the arms talks are on a fast track to nowhere.

The issue is not do you want to be strong, because the MX will not make us strong.

The issue is do you want a nuclear war, because the MX will make a nuclear war more likely.

We are on the threshold of crossing over that technological barrier that makes it possible for both sides to consider fighting and winning a nuclear war. This is the first step toward closing that option for both sides.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I yield to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Chairman, I rise in opposition to the Bennett amendment to eliminate funding for additional MX Peacekeeper missiles.

Just 3 months ago, we approved funds for 21 additional MX missiles, recognizing the need to modernize our land-based strategic forces and give our people in Geneva the tools they need to successfully negotiate a meaningful arms reduction treaty.

Since then, the threat to our Nation's security has not diminished. In fact, it has increased substantially.

Unknown damage has been done to the credibility and effectiveness of our sea-based nuclear forces by the Walker spy ring. Sensitive information on how the United States tracks Soviet submarines and what strategy the United States might employ in a crisis may have been compromised.

With the credibility of our sea-based force in question, it would be irresponsible and dangerous to turn back the necessary modernization of our land-based systems and have two legs of the triad at risk. We have not deployed a modernized land-based ICBM since the early 1970's. Out Titan II force is being retired and extensive rehabilitation of our Minuteman force is already required to keep them operational.

A vote for this amendment will signal a lack of U.S. resolve to redress the serious imbalances between United States and Soviet forces. It will allow the Soviets an important victory at the bargaining table in Geneva without ever having to give anything in return.

I urge the defeat of the amendment.

● Mr. ADDABBO. Mr. Chairman, I rise in support of the amendment of the gentleman from Massachusetts [Mr. MAVROULES].

We have been up and down this road too many times. The Congress has already provided funds to procure 42 MX missiles, in addition to the 20 research missiles previously provided. We don't need anymore missiles and the gentleman's amendment acknowledges that fact and provides funds only for the acquisition of basing sites, system support for the deployment of not more than 40 MX missiles, and maintenance of the production base.

Mr. Chairman, I am sure everyone in this distinguished body is in favor of a strong national defense, but I believe there are many different opinions as to what constitutes a strong national defense. The preamble to the Constitution of the United States states that we should "provide for the common defense" and "promote the general welfare." Our forefathers felt it was equally important to maintain a needed defense and to adequately support the people of this great Nation. If our people are not properly educated, our farmers not assisted in producing needed commodities, and our financial matters not properly balanced, we will have no strong national defense. The people and the economy of our Nation provide as much for our national defense as do more tanks, guns, and missiles. I personally believe that spending $25 billion for vulnerable MX missiles does not contribute to our national defense. This money could be better used to further the needs of our youth, farmers, and the American people in general.

Let me point out to my colleagues that 2 years ago, when we were considering the defense appropriations bill for fiscal year 1983 on the floor of this same House of Representatives, we

overwhelmingly rejected funds for the initial procurement of the first five MX missiles.

The administration had requested $1.5 billion for the procurement of nine MX missiles; however, Congress only authorized $988 million for the procurement of five missiles. When the defense appropriations bill was on the floor, I offered an amendment to delete all funds for the procurement of MX missiles, and it was approved by a record vote of 245 yeas to 176 nays. The basic reason for this denial of procurement funds for the MX was that a basing mode had not been approved. The arguments at that time were that placing the MX in Minuteman silos was a nonoption because of their vulnerability. That is the exact situation today—no appropriate basing mode has been selected, and we should again reject the request for procurement of additional missiles overwhelmingly.

Last year, we were told that we had to build MX because the Russians had broken off the talks in Geneva. Now, we are told we must build MX because the Russians have come back to Geneva.

Previously, we were told that we had to build MX because Minuteman silos were vulnerable. Now, we are told we must build MX to put it in Minuteman silos.

Previously, we were told that we had to build MX because there was a "window of vulnerability." Now, we are told we must build MX even though that "window" never existed.

Previously, we were told that we had to build MX because it could be used as a bargaining chip. Now, we are told we must build MX because it is not a bargaining chip.

How does buying more MX missiles and putting them in Minuteman silo solve the old vulnerability problem? The answer is that it doesn't. The reason for starting MX in the first place, the vulnerability of Minuteman silos, remains unaddressed. Buying more MX missiles changes nothing.

How does buying more MX missiles solve the old "attractive target" problem? The answer is that it doesn't.

The President fails to note that a 10-warhead MX in a vulnerable silo is a far more attractive target than a three-warhead minuteman in the same silo. He fails to do so even through General Scowcroft has admitted this in testimony before the Appropriations Committee.

How does buying more MX missiles solve the old problem of making the world safe? The answer is that it doesn't. The President believes that peace will be strengthened by adding 1,000 more nuclear warheads to our stockpile. We already have 9,000 strategic nuclear warheads. Adding to a stockpile already beyond reason makes the world less, not more, safe from the threat of annihilation.

How does buying more MX missiles address the old question of overall balance of forces? The answer is that it doesn't. The President says he wants more MX missiles because "The asymmetry in ICBM's between United States and Soviet strategic forces remains very much in their favor." The President is silent on SLBM's, because the asymmetry there is very much in our favor.The fact remains that there is approximate parity, overall, in strategic nuclear forces.

Mr. Chairman, the basic and overriding concern remains arms control, and the reduction of nuclear weapons. Building more MX missiles takes us in the opposite direction. It keeps us locked in the same old trap of move-countermove, of build-build even more.

It is the same discredited strategy that has brought us to the sorry state we are in today.

The President says that building and deploying 100 MX missiles is consistent with U.S. arms control policy. But what is that policy? How can we say we are controlling arms by building more of them? In this Member's opinion, the way to control arms is to control them, and the first step in reducing nuclear weapons is to stop building more of them.

The President says that we need to build and deploy 100 MX missiles to induce the Soviets to negotiate. There is nothing sacred about the number 100. The Scrowcroft Commission spoke of deploying "on the order of 100 MX missiles," implying thereby that the number was not fixed. In fact, the President seems to be coming around to this point of view by agreeing with the Senate to deploy only 50 MX missiles. I would point out that it was not too long ago that the Pentagon was telling us how vital it was to deploy 200 MX missiles. Mr. Chairman, we have already funded 42 missiles. In other words, we already have 42 bargaining chips—bargaining chips which will not actually be in our inventory starting between 1 and 2 years from now. We need no more. If 42 MX missiles do not induce the Soviets to negotiate, by what logic will additional MX missiles make them do so?

Also, keep in mind that during the last 3 or 4 years, Congress has provided research and development funding which has allowed the procurement of 20 research MX missiles. Seven or eight of these missiles have been expended, but about twelve of those missiles remain which could be used for deployment. In fact, in the conference report accompaning the fiscal year 1983 defense appropriations bill, the following language was included:

The conferees note that the MX research and development program includes the acquisition of missiles. When both the House and the Senate have approved a permanent basing mode, missiles which have been acquired under the research and development program may be deployed in the approved permanent basing mode. The conferees intend by this action to emphasize their firm commitment to modernizaton of our strategic nuclear forces.

There can be no doubt that Congress is committed to the modernization of the strategic forces, and there can be no doubt that sufficient bargaining chips are already funded to convince the Soviet Union that the United States means business.

To further this commitment, the Congress is supporting: MX missile, Midgetman missile, air-launched cruise missile, sea-launched cruise missile, ground-launched cruise missile, Poseidon [C-3] missile, Trident I [C-4] missile, Trident II [D-5] missile, Pershing II missile, B-1 bomber, advanced technology bomber, Trident submarine, warhead and nuclear devices for the various systems, and modernization of the Minuteman missile force.

Congress has supported the President in most of his strategic programs. And the Soviet Union is aware of this increased and continuing support.

The present production schedule for the currently funded MX missiles could be slowed, extending missile deliveries over several years.

This approach would keep the MX production line open until concrete results are obtained from the arms talks in Geneva and it would keep the MX missile line open for future production.

The President says that each Member of Congress should join him in a bipartisan and united effort to approve funds for additional MX missile procurement. This is the same President who says his budget deficits are entirely the fault of the Congress. He is the same President who says that it is up to the Congress to "cut irresponsible spending." He is the same President who demands that the Congress "rein in the budget monster."

Mr. Chairman, we have already spent far too much of our treasure on a vulnerable weapon of questionable military value. Do we have an extra $25 billion lying around to finance this complete missile system when the deficit will exceed $200 billion this current fiscal year, and will continue to mount in years to come? We have already funded enough MX missiles to induce the Soviets to negotiate, if indeed such actions will ever actually provide an inducement. We do not need more MX missiles.

Mr. Chairman, I urge the adoption of the Mavroules amendment.●

● Mr. LEVINE of California. Mr. Chairman, we are once again gathered to discuss the fate of that costly and destabilizing weapon—the MX. Since Congress last approved acquisition of 21 MX missiles in March, the administration has yet to provide convincing evidence of its political and strategic

utility. I continue to oppose MX production and deployment and support the amendments offered by my colleagues today both to delete all fiscal year 1986 funding for the MX Program and to cap future deployment of missiles already produced.

The MX is a misguided missile system that remains as vulnerable today as when it was first conceived. The decision to base the MX in existing silos enables the Soviets to pinpoint the same silos that they have been targeting for more than 20 years. It has been estimated that less than 10 percent of all MX missiles would survive a Soviet attack in 1990, and fewer than 5 percent in 1996. Consequently, the MX is a very vulnerable and destabilizing first-strike weapon. Because the vast majority of MX missiles would be destroyed in a first strike, it also possesses no deterrent capability.

Any attempt to protect the MX missile from a preemptive first-strike attack will prove costly and perhaps futile. The Air Force has acknowledged that superhardening existing missile silos will cost at least $180 million per silo. Moreover, we can never be sure about the effectiveness of our silo hardening program. The Reagan administration should pay heed to MX Commission Chair Brent Scowcroft who testified earlier this year that "in the race between hardening and accuracy, hardening has to lose."

As time passes, the MX continues to provide us with increasingly less bargaining leverage. The administration unconvincingly and unfairly has argued that the MX should be used as a bargaining chip. If this administration had been serious about arms control, it would have pursued that goal outright. Instead, the MX has become the President's bargaining chip with Congress, and not with the Soviets.

The MX Program has had little effect upon the Soviet attitude toward arms control. In 1983, the Soviets walked out of arms control talks despite congressional approval of funds for 21 MX missiles. The Soviets then returned to the bargaining table before Congress approved release of MX funds last year, and not long after Congress delayed funds for the program. Now that our two nations are engaged in arms talks, the United States does not require more MX missiles. Congress has already authorized 42 MX missiles. The rest of our nuclear arsenal is more than enough to compel the Soviets to negotiate in earnest in Geneva. If we continue to deploy the MX, the Soviet Union will be more inclined to engage in arms competition rather than in arms reduction.

Therefore, I support the Bennett amendment to delete all fiscal year 1986 funding for the MX Program as well as unobligated prior year funds, thus halting the program altogether. Should my colleagues not agree to terminate the MX Program, I would at least encourage them to support efforts to place a permanent statutory limit on the number of MX missiles that can be deployed.

The Mavroules-McCurdy amendment would limit MX deployment to 40 missiles, the amount already approved by Congress. In cutting $1.2 billion from the defense authorization bill, the Mavroules-McCurdy amendment would also facilitate the House attempt to enact a defense budget freeze, which the majority of us already support.

I cannot stress enough to my colleagues the wasteful and strategically unsettling consequences of the MX Program. In order to salvage and restore at least some rational order to our defense policy, I support my colleagues efforts to slow down and limit the growth of the MX Program.●

● Mrs. KENNELLY. Mr. Chairman, I rise in support of the Bennett amendment. This amendment would help reduce the risk of nuclear war in two ways: by terminating the MX missile program, and by applying that money to our conventional forces.

Many times in the past, I and other Members of this House have made our opposition to the MX missile clear. We have stated the arguments against it many times. We have passed endless hours in debate.

In 7 years, the basic arguments against the MX have not changed, and I will not repeat them here. Suffice it to say that the MX is still costly. It is still vulnerable. It is still destabilizing. It is still unnecessary.

Meanwhile, our conventional forces are not as combat ready as they should be. They remain in desperate need of spare parts, ammunition, and combat medical facilities.

Mr. Chairman, the Bennett amendment serves two important aims. First, it would rid us—once and for all—of a dangerous, destabilizing weapon. And, second, it would help ensure that, if we must fight, we can fight and win the only war possible or even thinkable in a nuclear age—a conventional war. I urge the House to adopt this amendment.●

● Mr. DICKS. Mr. Chairman, I will be offering an amendment to establish ceilings on some programs that bump up against the ABM Treaty and floors on other programs that are essential to determining whether the Nitze criteria can be met.

SDI PROJECTS THAT BUMP AGAINST THE ABM TREATY

The Dicks amendment includes zero nominal growth—no extra money for inflation—for certain projects that involve tests that either violate the ABM Treaty or undermine our ability to enforce it. The discussion below lays out parts of the ABM Treaty that are relevant and analyzes each of the SDI projects where we think there may be ABM Treaty problems.

RELEVANT PARTS OF THE ABM TREATY

The ABM Treaty prohibits testing of ABM systems or components which are seabased, airbased, spacebased, or mobile landbased. Thus we cannot test anything unless it is a fixed, landbased system. SDI tests of systems and components in space or on aircraft violate the treaty.

One point of contention is what constitutes a component. The Treaty says that an ABM system is one that counters strategic ballistic missiles or their elements, currently consisting of these components: first, ABM interceptor missiles; second, ABM launchers for ABM interceptor missiles; third, ABM radars constructed, deployed, or tested in an ABM mode.

A difficulty arises in this list of components because many of the technologies envisioned for SDI—lasers, optical warhead trackers, rail guns—did not exist when the treaty was drafted and are not specifically mentioned in the treaty as components. Since many of the new technology systems could substitute for the components list in the treaty, testing them in space or on aircraft arguably would be violations of the treaty as well. Even if United States and Soviet tests of these new technologies are not violations, the tests can undermine the intent of the treaty so as to make it meaningless. Indeed, agreed statements supplementing the treaty envisoned such problems from new technologies. One of these statements says that ABM systems and components based on other physical principles would be subject to discussion and agreement.

SDI TESTS THAT THREATEN THE ABM TREATY

First, Airborne optical system—airborne tests in late 1980's. This system mounts an optical device on an aircraft to track incoming warheads. As such, it is a substitute for ABM radars that also track incoming warheads. Because it is airbased, testing it is arguably a violation or is a detriment to the treaty's regime. The SDI advocates argue that, because tests of this system will not pass data to other parts of an ABM system, such tests are not conducted in an ABM mode and are not a problem for the treaty. The counterargument is that the treaty does not specify passing data as a criterion for testing in an ABM mode. Indeed, we would not want to accept this as a criterion for judging Soviet compliance since it is not verifiable.

Second, space-based laser systems—space-based tests in late 1980's or early 1990's. One part of this program is known as the acquisition, tracking, and pointing [ATP] project. It used to be referred to as the "Talon Gold" project. It involves attaching telescopes to a space-based laser to ensure

that the laser is properly aimed at the target. As such, it becomes the functional equivalent of an ABM acquisition and tracking radar which, if it were space-based, would be prohibited by the ABM Treaty. Thus, tests of the ATP project in space are arguably violations of the treaty or do irreparable damage to the treaty's regime.

Third, Space-based hypervelocity gun—space-based tests in early 1990's. This device is popularly known as the rail gun. It uses electromagnets to accelerate guided projectiles at targets—for example, enemy warheads or buses that dispense warheads—in space. As such, it is the functional equivalent of an ABM missile launcher covered in the treaty. Thus, testing it in space either violates the treaty or undermines the treat or undermines its regime. Also, this system fires projectiles at a very high rate—similar to an antimissile Gatling gun. Because of this, the system potentially violates the provision of the ABM Treaty that prohibits rapid reload capability for ABM systems.

Fourth, Kinetic kill vehicle—space-based tests in early 1990's. This system is a space-based rocket that can attack enemy missiles in their boost phase, or enemy warheads and warhead-dispensing buses in space. It's the type of system advocated by the High Frontier organization. The rocket is fired from a satellite and homes in on its target. Since this system fits the definition of a space-based ABM component—that is, an ABM missile—testing it is prohibited by the treaty.

SDI MAKE-OR-BREAK PROJECTS

Below are four SDI projects that we want to boost with funding at the levels requested by the administration. Each is needed to provide early data that will be necessary to make judgments on whether SDI as a whole will be practical. If any one of them yields negative results, then we might as well scrap the whole SDI Program. None of these projects cause problems with respect to the ABM Treaty. Also, the first three give bonus effects in other areas even if we don't go through with SDI.

First, System survivability. This project will investigate whether SDI systems will be able to survive enemy attacks. If it turns out that the Soviets can destroy SDI before we can use it to defend ourselves, then quite obviously the whole system is flawed. Indeed, if we deployed an SDI that was not survivable, the situation could be quite unstable. The Soviets would be tempted to take SDI out in a crisis, perhaps as a precursor to a nuclear first strike. Thus this is a critical area for investigation, so important that Paul Nitze made survivability one of the key criteria to be satisfied before SDI should be deployed.

This project also has a big bonus effect, even if SDI doesn't pan out. A worry for U.S. security now is the vulnerability of our satellites to Soviet ASAT's. Research into SDI survivability—that is largely satellite based—should help the survivability of other U.S. satellites not part of SDI.

Second, Lethality and target hardening. This project looks into how difficult it will be for SDI weapons to destroy attacking missiles, warheads and buses that dispense warheads in space. It's important because, if the Soviets can find easy countermeasures to make their offensive weapons immune to SDI, then developing defensive weapons will be a waste of money.

This project also has a spinoff benefit. One U.S. concern is that the Soviets will break out of the ABM Treaty and protect their ICBM's—and other targets—with ABM's, giving them incentives for a first strike and causing instability. This project, in looking for ways that the Soviets can get through our defenses, should give us some good ideas on how to get through their ABM systems. Thus this project gives us a hedge to protect our security against Soviet ABM breakout.

Third, Battle management/command, control, and communication. This project deals with the problem of coordinating and communicating among all the various SDI elements when faced with a massive enemy attack. This is a formidable challenge. Decisions to use SDI, allocate defenses to targets, assess damage to attacking weapons, et cetera, all have to be made faultlessly and in split seconds. Experts say we need major breakthroughs in computer hardware and software, artifical intelligence, and debugging millions of lines of computer code to make this part of SDI work.

Here again, research in this area can give benefits outside. It can help command control and communications for our conventional forces. The commercial applications of computer developments here also promise great potential.

Fourth, SDI systems architecture. This project lays out an overall plan for SID—how many of what types of systems are needed to make the defense achieve the goal of defending American and allied population. It will be important, first, because it will help us to get a handle on costs. Once we begin to see how much equipment and manpower is needed, we can get some ballpark estimates of the funding needed. With this data, we can judge whether we and our allies will be willing to foot the bill, and what kind of tradeoffs will be necessary among competing priorities—for example, deficit reductions, conventional force improvements.

The project will also be important because it will set goals for how well the various SDI technologies will have to perform for the overall system to work. We can then compare these performance specs with the actual results we get from testing SDI hardware to see if the hardware is good enough for an integrated system giving us the protection we seek.●

Mr. MAVROULES. Mr. Chairman, at this point I think I have about 3 minutes remaining. I am going to yield back the balance of my time so that the gentleman from Florida [Mr. BENNETT] can end the debate.

The CHAIRMAN pro tempore (Mr. RUSSO). The gentleman from Massachusetts [Mr. MAVROULES] has yielded back the balance of his time, and the gentleman from Alabama [Mr. DICKINSON] has yielded back the balance of his time.

The gentleman from Florida [Mr. BENNETT] has 14 minutes remaining.

Mr. BENNETT. Mr. Chairman, I certainly will not use all those 14 minutes, but it does put me at ease, so I can talk just like I would want to.

First of all, I have heard some very interesting things here that have gone before that ought to be pointed out. The fact has been referred to that President Carter asked for 200 of these missiles, but they were to be mobile missiles.

Somebody said that people who are not supporting the missiles at this point were not supporting Mr. Carter at that point, but certainly I was. I was in favor of a mobile missile.

As a matter of fact, a decade ago, or just about when we first started getting the follow-on Minute Man missile, I had rather extensive correspondence with the Department of Defense urging that they go to a mobile missile.

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And they came back to me with letters which indicated that they did not know that they could do it or not; but possibly could by some sort of a racetrack method or something like that. And I said to them, well, I believe, if my information is correct, the Russians are in the process of producing at least one kind of mobile missile which is going to go up and down the highways, and another one possibly to go up and down the rails. And that has been borne out because they now have two mobile missiles which can do that.

I felt we ought to continue that type of activity, to get a truly mobile missile, not one tied to a particular piece of geography like Fort Benning or something of that nature.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I will have plenty of time at the end of my remarks, and I would rather complete my remarks. But I would like to feel at ease in what I am saying, since I have so much more time than I usually have.

So I think that having a mobile missile in this field would have been a

wonderful thing to have had. But unfortunately we were not able to do it, even though the Russians have done it. And I wanted to address that because somebody said on the floor that there was an inconsistency in those who opposed this missile now and those who opposed the mobile missile then.

Well, I do not know who they are talking about. They are certainly not talking about me because I favored this missile and I would favor it today if it had a good basing mode. But it is designed to be a mobile missile and the Russians now have two, one on rails and one on highways, and it is not just any rails but it can go up and down ordinary rails.

The next point that was made during the debate is that we need a triad. I tried to address that before and I will address it again. A triad simply means we have a sea, air, and land type of delivery system.

Well, we have it even if we did not have the ICBM, which, of course, we still do have, in the Minuteman. At sea we have the Trident missile and the Trident submarine. In the air we have the bomber, and on the land we have the ICBM's, which we already have, the Minuteman and such of the MX's as we have been caught with in the process of trying to get a mobile missile, and not being able to move it.

In addition, to that, we really have whatever the word is for four, because we have a cruise missile and we also have a low trajectory submarine missile, so really we have five different ways of delivery of strategic missiles or any kind of a missile that would be hurtful to the enemy in the field of strategic weaponry.

Then it is still being referred to here in these conversations as if this were some sort of a chip at the bargaining table. Years ago when we first started talking about this particular missile, that matter was addressed by the Russians and they repeated it time after time, what us developing this missile is going to do as to whether they go to a bargaining table or not. They are not interested in it as a chip. You have to look, when you look at a weapon, at what their answer to your weapon is. And their answer is (they stated it, and it is the same answer we have had) they would just produce another good ICBM. It is not a chip they are interested in.

Then the next thing that was mentioned is the question of whether or not these weapons, I do not know, I guess this was done facetiously, but somebody said, well, these weapons are not very helpful to conventional warfare. Well, of course, they are not very helpful to conventional warfare because they have nothing to do with conventional warfare. They are strategic in nature.

Let us refer to what we actually have today in our country. We have been told by Gen. Bernard Rogers, on a number of occasions, running back at least 2 years ago, that we would have to go to a nuclear war within a matter of days, not a matter of weeks, in Europe if the Russians tried to overrun Europe, because we could not stem the tide, and we would have to go to nuclear war. That is what the Scowcroft report said as well. It is being repeated many times.

The point that I would like to make here about this particular matter, is that I would like to knock out all of the MX missiles, not just some of them, but all of them, and that is because of all of this money which is very much needed for conventional weaponry. The Russians, or the Warsaw Pact, have three times the number of tanks in Europe, and they have twice the number of personnel carriers. A lot of people think this is a question of adding a weapon. It is not a question of adding a weapon. It is a question of spending money for a faulted weapon, a very vulnerable weapon. All of that money would be used, if we did not use it for this, would be used for something better. As a matter of fact, my particular amendment requires it go for conventional weaponry. But even if it did not, it would go for the other things that we need like ships, like being able to move our troops across the seas if we actually had a war. It would go for those things that have been turned down in the budget. When you have a budget ceiling as we have today, when you put in the Trident or when you put in the MX missile into that picture, or you subtract it, it has a bearing upon what else you buy.

But even if that were not so, but it is so, but even if it were not so, my amendment specifically gives this to the conventional weaponry.

Now in hearings before the Senate recently General Rogers this year spoke about the widening gap between NATO and the Warsaw Pact, and I am quoting what General Rogers said when he appeared before the Senate Armed Services Committee, he said:

"The continually widening gap between NATO and Warsaw Pact conventional capabilities impacts the credibility of NATO's deterrence because it compels the Alliance to rely excessively on the early first-use of nuclear weapons.

. . . Such heavy reliance on early nuclear first-use does not provide a credible basis—I repeat that for you—

. . . Such heavy reliance on early nuclear first-use does not provide a credible basis for deterring what I believe to be the most likely threat the Alliance faces: Soviet intimidation and coercion of West European nations resulting from the threat of massive conventional military superiority.

Consider the irony: The Nation that prides itself on moral rights and ethics, on freedom and democracy, would perpetrate the greatest of immoralities by starting a nuclear war. We are the only country in the world today which says that we would be the first to use nuclear weapons. Even the President has said it is our policy to resort to nuclear weapons in the face of a conventional attack.

Well, I think we have a duty in 1985, as Members of the U.S. Congress, to try to prevent, for our own time and for our children and our grandchildren, a nuclear war and to ensure that there is an Earth here that will survive; and we ought to try to prevent a nuclear war from occurring. And when your policy is to go to nuclear war within a matter of days after conventional aggressive war starts by the Russians in Europe, I think that is a policy that is very much faulted, since it can be prevented by acquiring more adequate conventional war abilities.

So the thrust of my operation here today is not just to oppose the MX missile, although I do so. I also have other amendments which would take other fundings from other things that we are cutting down in this bill and putting in that conventional field. In fact, perhaps the most important amendment which I have to offer in this debate will be one which will take $4 billion of identified savings, those are mostly from the Navy, mostly because they have underruns in building their ships—I am happy to say that I chair that committee and I think I have had some impact upon the underruns. These are not overruns but underruns. In other words, it has cost us less. It is not just a question of the cost of living or something like that, it is the fact that we have actually provided for savings by the way in which the Secretary of the Navy and the Navy have handled their contracts and the way they have handled their procurement and the way they have handled the carrying out of those ships.

So that money has been saved, about $4 billion. It will be identified, and I have an amendment later on which I will be speaking to which will take all of that $4 billion and put it into conventional weaponry, and buy some of the tanks we need, buy some of the ammunition we need to provide for conventional success in Europe if we had a war there.

So, gentleman it is not my point, it is not just a question of getting rid of a faulted weapon. It is getting rid of spending of billions and billions of dollars which ought to be spent for things which can prevent us having a nuclear war, which can prevent us from having a disaster here on Earth the likes of which mankind has never had.

So I woud like to conclude my remarks by saying I would appreciate it very much if you would support my amendment to the substitute of the

gentleman from Massachusetts [Mr. MAVROULES] to strike all of the MX missiles.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. Does the gentleman from Florida [Mr. BENNETT] yield back the balance of his time?

Mr. BENNETT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT] to the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES] as a substitute for the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COURTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 230, not voting 18, as follows:

[Roll No. 166]

AYES—185

Ackerman	Ford (TN)	Miller (CA)
Alexander	Fowler	Miller (WA)
Annunzio	Frank	Mineta
Anthony	Garcia	Mitchell
Applegate	Gaydos	Moakley
Atkins	Gejdenson	Moody
AuCoin	Gibbons	Morrison (CT)
Barnes	Gonzalez	Mrazek
Bates	Goodling	Natcher
Bedell	Gradison	Nowak
Beilenson	Gray (IL)	Oakar
Bennett	Gray (PA)	Oberstar
Bereuter	Green	Obey
Berman	Guarini	Olin
Boggs	Hall (OH)	Owens
Bonior (MI)	Hamilton	Panetta
Bonker	Hayes	Pease
Borski	Heftel	Penny
Bosco	Hertel	Perkins
Boucher	Howard	Petri
Boxer	Hughes	Rahall
Brooks	Jacobs	Richardson
Bruce	Jenkins	Ridge
Bryant	Johnson	Rodino
Burton (CA)	Jones (NC)	Roe
Carper	Kanjorski	Rose
Carr	Kaptur	Rostenkowski
Clay	Kastenmeier	Roukema
Coelho	Kennelly	Roybal
Collins	Kildee	Russo
Conte	Kleczka	Sabo
Conyers	Kolter	Savage
Coughlin	Kostmayer	Scheuer
Coyne	LaFalce	Schneider
Daschle	Lantos	Schroeder
Dellums	Leach (IA)	Seiberling
Dingell	Lehman (CA)	Sensenbrenner
DioGuardi	Lehman (FL)	Sharp
Dixon	Leland	Sikorski
Donnelly	Levin (MI)	Smith (FL)
Dorgan (ND)	Levine (CA)	Smith (IA)
Downey	Lowry (WA)	Smith (NE)
Durbin	Luken	Smith (NJ)
Dwyer	Lundine	Solarz
Dymally	MacKay	St Germain
Early	Manton	Staggers
Eckart (OH)	Markey	Stark
Edgar	Martinez	Stokes
Edwards (CA)	Matsui	Studds
Evans (IA)	Mavroules	Swift
Evans (IL)	McCloskey	Synar
Feighan	McHugh	Tallon
Florio	McKinney	Tauke
Foglietta	Mica	Torricelli
Ford (MI)	Mikulski	Towns
Traficant	Waxman	Wise
Traxler	Weaver	Wolpe
Udall	Weiss	Wyden
Vento	Wheat	Yates
Visclosky	Whitten	Young (MO)
Volkmer	Williams	Zschau
Walgren	Wirth	

NOES—230

Akaka	Gilman	Nelson
Anderson	Gingrich	Nichols
Andrews	Glickman	Nielson
Archer	Gordon	O'Brien
Armey	Gregg	Ortiz
Aspin	Grotberg	Oxley
Barnard	Gunderson	Packard
Bartlett	Hall, Ralph	Parris
Barton	Hammerschmidt	Pashayan
Bateman	Hansen	Pickle
Bentley	Hartnett	Porter
Bevill	Hatcher	Price
Biaggi	Hefner	Pursell
Bilirakis	Hendon	Quillen
Bliley	Henry	Ray
Boehlert	Hiler	Regula
Boner (TN)	Hillis	Reid
Boulter	Holt	Rinaldo
Breaux	Hopkins	Ritter
Broomfield	Horton	Roberts
Brown (CO)	Hoyer	Robinson
Broyhill	Hubbard	Roemer
Burton (IN)	Huckaby	Rogers
Bustamante	Hunter	Roth
Byron	Hutto	Rowland (CT)
Callahan	Hyde	Rowland (GA)
Campbell	Ireland	Rudd
Carney	Jones (OK)	Saxton
Chandler	Jones (TN)	Schaefer
Chappell	Kasich	Schuette
Cheney	Kemp	Schulze
Clinger	Kindness	Shaw
Coats	Kolbe	Shelby
Cobey	Kramer	Shumway
Coble	Lagomarsino	Shuster
Coleman (MO)	Latta	Siljander
Coleman (TX)	Leath (TX)	Sisisky
Combest	Lent	Skeen
Cooper	Lewis (CA)	Skelton
Courter	Lewis (FL)	Slattery
Craig	Lightfoot	Slaughter
Crane	Lipinski	Smith (NH)
Daniel	Livingston	Smith, Denny
Dannemeyer	Lloyd	Smith, Robert
Darden	Long	Snowe
Daub	Lott	Snyder
Davis	Lowery (CA)	Spence
de la Garza	Lujan	Spratt
DeLay	Lungren	Stallings
Derrick	Mack	Stangeland
DeWine	Madigan	Stenholm
Dickinson	Martin (IL)	Stratton
Dicks	Martin (NY)	Stump
Dornan (CA)	Mazzoli	Sundquist
Dowdy	McCain	Sweeney
Dreier	McCandless	Swindall
Duncan	McCollum	Tauzin
Dyson	McCurdy	Taylor
Eckert (NY)	McDade	Thomas (CA)
Edwards (OK)	McEwen	Thomas (GA)
Emerson	McGrath	Valentine
English	McKernan	Vander Jagt
Erdreich	McMillan	Vucanovich
Fascell	Meyers	Walker
Fawell	Michel	Watkins
Fazio	Miller (OH)	Weber
Fiedler	Molinari	Whitehurst
Fields	Mollohan	Whitley
Fish	Monson	Whittaker
Foley	Montgomery	Wolf
Franklin	Moore	Wortley
Frenzel	Moorhead	Wright
Frost	Morrison (WA)	Wylie
Fuqua	Murphy	Yatron
Gallo	Murtha	Young (AK)
Gekas	Myers	Young (FL)
Gephardt	Neal	

NOT VOTING—18

Addabbo	Flippo	Rangel
Badham	Hawkins	Schumer
Boland	Jeffords	Solomon
Brown (CA)	Loeffler	Strang
Chappie	Marlenee	Torres
Crockett	Pepper	Wilson

□ 1800

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Loeffler against.

Mr. Rangel for, with Mr. Solomon against.

Mr. Schumer for, with Mr. Badham against.

Mr. Jeffords for, with Mr. Pepper against.

Messrs. McEWEN, PRICE, PICKLE, and DERRICK changed their votes from "aye" to "no."

Messrs. PETRI, MINETA, and ZSCHAU changed their votes from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

PERFECTING AMENDMENT OFFERED BY MR. COURTER TO THE AMENDMENT OFFERED BY MR. MAVROULES AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DICKINSON

Mr. COURTER. Mr. Chairman, I offer a perfecting amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. COURTER to the amendment offered by Mr. MAVROULES as a substitute for the amendment offered by Mr. DICKINSON:

Strike out the dollar amount proposed to be inserted by the amendment at page 13, line 15, and insert in lieu thereof "$8,810,700,000".

In the section proposed to be inserted by the substitute amendment, strike out all after "SEC. 111." and insert in lieu thereof the following:

MX MISSILE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) not more than 50 MX missiles should be deployed in existing Minuteman silos;

(2) after procurement of 50 missiles for deployment in those silos, further procurement of MX missiles should, unless a different basing mode is proposed by the President and agreed to by Congress, be limited to those necessary—

(A) for the MX missile reliability testing program; and

(B) as spares within the logistics system supporting the deployed MX missile force; and

(3) during fiscal year 1987, depending upon the most efficient production rate, from 12 to 21 MX missiles should be procured, but those missiles should (as provided in paragraph (2)) be limited only to spare and test missiles unless a different basing mode is proposed by the President and agreed to by Congress.

(b) LIMITATION ON FISCAL YEAR 1986 AND EARLIER FUNDS.—None of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 or any prior fiscal year for procurement of missiles for the Air Force may be used—

(1) to deploy more than 50 MX missiles in existing Minuteman silos;

(2) to modify, or prepare for modification, more than 50 existing Minuteman silos for the deployment of MX missiles;

(3) to acquire basing sets for more than 50 MX deployed missiles; or

(4) to procure long-lead items for the deployment of more than 50 MX missiles.

(c) LIMITATION ON FISCAL YEAR 1986 MX PROGRAM.—(1) Of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force, not more than $1,889,000,000 may be used for the MX missile program.

(2) Not more than 12 MX missiles may be procured with funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force.

□ 1810

Mr. COURTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. COURTER. Mr. Chairman, the parliamentary situation, I suppose, needs some explanation, and if you would bear with me, I will try to clarify the situation.

The gentleman from Alabama [Mr. DICKINSON] offered an amendment to the bill, and we debated that amendment for a period of time. That amendment, basically, reduced MX missile deployment under the bill to 50 deployable missiles. I would like to back up and say that it is important to keep in mind that the administration originally requested 100 MX missiles, and not long ago there was an agreement that that would be reduced to 50 deployed missiles at the present time. We have debated the Dickinson amendment for a period of time.

There was a substitute to the Dickinson amendment, which reduced MX deployment to 50 missiles, and that was the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES]. I will allow the gentleman from Massachusetts to characterize his amendment, but, basically, it capped deployment to 40 missiles.

The gentleman from Florida [Mr. BENNETT] had an amendment to the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES], which was just defeated. That is the amendment on which the Committee just voted. That would have eliminated all funding for MX in fiscal year 1986.

My amendment is an amendment to Mavroules, which, to make a long story short, really reinstates the language of the Dickinson amendment.

A favorable vote on my amendment reduces MX deployment in fiscal 1986 to 50 missiles.

Pursuant to an agreement and a unanimous consent request, I was given 5 minutes to discuss my amendment, and there is 5 minutes in opposition. The only debate, pursuant to the unanimous-consent request, will be on my amendment pro and con. It is my understanding, however, that the gentleman from Oklahoma [Mr. MCCURDY] may offer an amendment to the amendment offered by the gentleman from Alabama [Mr. DICKINSON] which, if he does, No. 1, will not be debatable, and, No. 2, changes substantially the Mavroules amendment because it changes it from an amendment that deletes funding and puts a cap on MX missiles to 40 to simply a sense of the Congress resolution.

So, therefore, it is important to recognize that if the gentleman from Oklahoma [Mr. MCCURDY] offers an amendment and does not debate it, it is substantially different, nevertheless, than the Mavroules amendment.

I hope that explains the situation. The vote will be coming soon on the Courter-Dickinson amendment, and I would like to talk very, very briefly, in the remaining 2 or 3 minutes, on the substance of that amendment.

I think it is important to keep in mind that this probably—and, thank goodness—will be one of the last if not the last debates on MX. President Carter suggested, in order to have a minimum deterrent for our land-based needs, our land-based missiles, we needed to deploy 200 missiles. That was reduced, unilaterally, without negotiation with the Soviet Union, to a request by the Reagan administration to 100 missiles. That was further reduced, unilaterally, without extracting——

Mr. DICKINSON. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. COURTER. I yield to the gentleman from Alabama.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, I was wondering, when we are in such tight time constraints and business is stopped to call the House to order, does that time come off of the time of the gentleman in the well?

The CHAIRMAN pro tempore. The time does not come out of the gentleman's time.

Mr. DICKINSON. It is my understanding that, on occasion, it is at the discretion of the Chair. I appreciate the Chair's ruling.

The CHAIRMAN pro tempore. The Chair will use his discretion wisely, as it has always done in the past.

Mr. DICKINSON. So the time does not come off of the gentleman's time when order is being restored.

The CHAIRMAN pro tempore. That is correct.

Mr. DICKINSON. I thank the Chair.

Mr. COURTER. I thank the gentleman from Alabama and I thank the Chair.

Mr. Chairman, as I was saying, it is important to keep in mind that the administration, and through a bipartisan agreement in the other body, the maximum amount of deployed MX missiles, pursuant to this bill 1986, is going to be a cap of 50.

It is important to recognize that the administration's original request for funding in MX missiles for fiscal 1986 was 48 new missiles; that was over and above the 42 that had already been authorized by his body. That sum of missiles, 48, was reduced by the House Armed Services Committee to 21.

It is important to recognize that the Dickinson amendment, which is now the Courter amendment, reduces those 21 to 8. So a favorable vote on the Courter amendment is a further reduction of deployment of MX missiles from the original 100 that was requested, the original 48 that was requested for this year, down to 8 additional missiles.

Let me mention another thing, if I may. It is important to recognize that the amendment of the gentleman from Massachusetts [Mr. MAVROULES] to cap it at 40 is two less than what this body already authorized during the last couple of years. We have already authorized the deployment of 42 MX missiles.

So a vote in favor of Mavroules, if it comes to that, is a vote to delete 2 missiles from what this body otherwise did.

Finally, if we do have a vote on McCurdy, it is important to recognize that the McCurdy undebatable amendment is not Mavroules but simply a sense of the Congress resolution. I urge my colleagues to vote for reducing MX to an additional deployment of 8, vote yes on Courter, vote yes on Dickinson.

Mr. MAVROULES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I just want to make it very clear that I thought I had an understanding with the ranking minority member of the Armed Services Committee that when we went to the Rules Committee upon his request, the request of the gentleman from Alabama [Mr. DICKINSON], and we asked the Rules Committee to vote on it, that he would go first with his amendment, to be substituted by the gentleman from Massachusetts [Mr. MAVROULES] or the gentleman from Oklahoma [Mr. MCCURDY], and, of course, to allow the amendment of the gentleman from Florida [Mr. BENNETT].

Let us not kid ourselves. Let us know what is going on here this afternoon. This is a back-door approach by my dear friend, the gentleman from New Jersey [Mr. COURTER], to bring up first for a vote the amendment offered by the gentleman from Alabama [Mr. DICKINSON]. The language is the same.

I am going to yield to my dear friend, the gentleman from Oklahoma [Mr. McCURDY]. I want all of the Members to hear very carefully. It is imperative and very important that we vote first for the McCurdy amendment, which will be offered, defeat the Courter perfecting language, and then support the Mavroules substitute—in that order.

I think it is extremely important to understand the order we are voting in.

I now yield to the gentleman from Oklahoma [Mr. McCURDY].

□ 1820

Mr. McCURDY. Mr. Chairman, in order to clarify again exactly where we are, ladies and gentlemen, we will have 3 more votes. I intend to offer an amendment immediately which will be a Sense of the Congress amendment to limit deployment at 40. It is germane to the Dickinson amendment because it is a Sense of the Congress. But it is important that if you support the McCurdy-Mavroules amendment for a cap of 40 MX missiles, that you vote for the McCurdy amendment as a Sense of Congress against the Courter-Dickinson amendment at 50 and again for the McCurdy-Mavroules amendment at 40. There will be 3 votes.

The first vote, a yes-no-yes.

AMENDMENT OFFERED BY MR. MC CURDY TO THE AMENDMENT OFFERED BY MR. DICKINSON

Mr. McCURDY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCURDY to the amendment offered by Mr. DICKINSON: In lieu of the dollar amount proposed to be inserted by the amendment, insert "$7,842,700,000".

In the section proposed to be inserted by the amendment, strike out all after "SEC. 111." and insert in lieu thereof the following:

MX MISSILE PROGRAM

(a) LIMITATION ON FY86 PROCUREMENT FUNDS FOR THE MX MISSILE PROGRAM.—Of the funds appropriated or otherwise made available in an appropriation law for fiscal year 1986 for procurement of missiles for the Air Force, not more than $921,000,000 may be used for the MX missile program. Such funds may be used only for—

(1) the acquisition of not more than eight basing of MX missiles;

(2) the acquisition of systems support consistent with the deployment of not more than 40 MX missiles; and

(3) maintenance of the production base for the MX missile program.

(b) DEPLOYMENT OF MX MISSILES.—It is the sense of Congress that the number of MX missiles deployed at any time should not exceed 40.

(c) POLICY ON FUTURE MX MISSILE PROCUREMENT.—It is the sense of Congress that funds appropriated or otherwise made available for fiscal years after fiscal year 1985 for procurement of missiles for the Air Force should not be used for procurement of MX missiles except for the acquisition of those additional missiles required for the operational test and evaluation program and the aging and surveillance program.

Mr. McCURDY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. COURTER. Mr. Chairman, reserving the right to object, Mr. Chairman, I reserve the right to object first to determine what the statement was or what the unanimous consent was. I did not hear it with the noise.

The CHAIRMAN pro tempore. The Chair would state that the request was to waive the reading of the amendment.

Mr. COURTER. Mr. Chairman, further reserving the right to object, under my reservation, I ask the gentleman whether this is the Sense of the Congress resolution amendment, or is this the Mavroules amendment?

Mr. McCURDY. Mr. Chairman. If the gentleman would yield, this is the Sense of the Congress amendment which is germane to the Dickinson amendment.

Mr. COURTER. So this is not the Mavroules amendment, but a Sense-of-the-Congress resolution?

Mr. McCURDY. That is correct.

Mr. COURTER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. McCURDY] to the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 184, not voting 16, as follows:

[Roll No. 167]

AYES—233

Ackerman	Bonior (MI)	Coughlin	English	Lehman (FL)	Roukema
Akaka	Bonker	Coyne	Evans (IA)	Leland	Roybal
Alexander	Borski	Crockett	Evans (IL)	Levin (MI)	Russo
Andrews	Bosco	Daschle	Fascell	Levine (CA)	Sabo
Annunzio	Boucher	de la Garza	Fazio	Lipinski	Savage
Anthony	Boxer	Dellums	Feighan	Long	Scheuer
Applegate	Brooks	Derrick	Florio	Lowry (WA)	Schneider
Aspin	Bruce	Dicks	Foglietta	Luken	Schroeder
Atkins	Bryant	Dingell	Foley	Lundine	Seiberling
AuCoin	Burton (CA)	DioGuardi	Ford (MI)	MacKay	Sensenbrenner
Barnes	Bustamante	Dixon	Ford (TN)	Manton	Sharp
Bates	Carper	Donnelly	Fowler	Markey	Sikorski
Bedell	Carr	Dorgan (ND)	Frank	Martinez	Sisisky
Beilenson	Clay	Downey	Frenzel	Matsui	Slattery
Bennett	Coble	Durbin	Frost	Mavroules	Smith (FL)
Bereuter	Coelho	Dwyer	Garcia	Mazzoli	Smith (IA)
Berman	Coleman (TX)	Dymally	Gaydos	McCloskey	Smith (NE)
Biaggi	Collins	Early	Gejdenson	McCurdy	Smith (NJ)
Boehlert	Conte	Eckart (OH)	Gephardt	McHugh	Snowe
Boggs	Conyers	Edgar	Gibbons	McKernan	Solarz
Boland	Cooper	Edwards (CA)	Glickman	McKinney	Spratt
			Gonzalez	Meyers	St Germain
			Gordon	Mica	Staggers
			Gradison	Mikulski	Stallings
			Gray (IL)	Miller (CA)	Stark
			Gray (PA)	Miller (WA)	Stokes
			Green	Mineta	Studds
			Guarini	Moakley	Swift
			Gunderson	Mollohan	Synar
			Hall (OH)	Moody	Tallon
			Hamilton	Morrison (CT)	Tauke
			Hayes	Mrazek	Torricelli
			Hefner	Natcher	Towns
			Heftel	Neal	Traficant
			Henry	Nowak	Traxler
			Hertel	Oakar	Udall
			Hopkins	Oberstar	Vento
			Howard	Obey	Visclosky
			Hoyer	Olin	Volkmer
			Hughes	Ortiz	Walgren
			Jacobs	Owens	Watkins
			Jenkins	Panetta	Waxman
			Johnson	Pease	Weaver
			Jones (NC)	Penny	Weiss
			Jones (OK)	Perkins	Wheat
			Kanjorski	Petri	Whittaker
			Kaptur	Pickle	Whitten
			Kastenmeier	Price	Williams
			Kennelly	Pursell	Wirth
			Kildee	Rahall	Wise
			Kleczka	Richardson	Wolpe
			Kolter	Ridge	Wright
			Kostmayer	Roberts	Wyden
			LaFalce	Rodino	Yates
			Lantos	Roe	Young (MO)
			Leach (IA)	Rose	Zschau
			Lehman (CA)	Rostenkowski	

NOES—184

Anderson	Dannemeyer	Hillis
Archer	Darden	Holt
Armey	Daub	Horton
Badham	Davis	Hubbard
Barnard	DeLay	Huckaby
Bartlett	DeWine	Hunter
Barton	Dickinson	Hutto
Bateman	Dornan (CA)	Hyde
Bentley	Dowdy	Ireland
Bevill	Dreier	Jones (TN)
Bilirakis	Duncan	Kasich
Bliley	Dyson	Kemp
Boner (TN)	Eckert (NY)	Kindness
Boulter	Edwards (OK)	Kolbe
Breaux	Emerson	Kramer
Broomfield	Erdreich	Lagomarsino
Brown (CO)	Fawell	Latta
Broyhill	Fiedler	Leath (TX)
Burton (IN)	Fields	Lent
Byron	Fish	Lewis (CA)
Callahan	Franklin	Lewis (FL)
Campbell	Fuqua	Lightfoot
Carney	Gallo	Livingston
Chandler	Gekas	Lloyd
Chappell	Gilman	Lott
Chappie	Gingrich	Lowery (CA)
Cheney	Goodling	Lujan
Clinger	Gregg	Lungren
Coats	Grotberg	Mack
Cobey	Hall, Ralph	Madigan
Coleman (MO)	Hammerschmidt	Martin (IL)
Combest	Hansen	Martin (NY)
Courter	Hartnett	McCain
Craig	Hatcher	McCandless
Crane	Hendon	McCollum
Daniel	Hiler	McDade

McEwen	Reid	Spence
McGrath	Rinaldo	Stangeland
McMillan	Ritter	Stenholm
Michel	Robinson	Stratton
Miller (OH)	Roemer	Stump
Molinari	Rogers	Sundquist
Monson	Roth	Sweeney
Montgomery	Rowland (CT)	Swindall
Moore	Rowland (GA)	Tauzin
Moorhead	Rudd	Taylor
Morrison (WA)	Saxton	Thomas (CA)
Murphy	Schaefer	Thomas (GA)
Murtha	Schuette	Valentine
Myers	Schulze	Vander Jagt
Nelson	Shaw	Vucanovich
Nichols	Shelby	Walker
Nielson	Shumway	Whitehurst
O'Brien	Shuster	Whitley
Oxley	Siljander	Wolf
Packard	Skeen	Wortley
Parris	Skelton	Wylie
Pashayan	Slaughter	Yatron
Porter	Smith (NH)	Young (AK)
Quillen	Smith, Denny	Young (FL)
Ray	Smith, Robert	
Regula	Snyder	

NOT VOTING—16

Addabbo	Marlenee	Strang
Brown (CA)	Mitchell	Torres
Flippo	Pepper	Weber
Hawkins	Rangel	Wilson
Jeffords	Schumer	
Loeffler	Solomon	

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Loeffler against.

Mr. Mitchell for, with Mr. Solomon against.

Mr. Schumer for, with Mr. Weber against.

Mr. Jeffords for, with Mr. Strang against.

Mr. BONER of Tennessee changed his vote from "aye" to "no."

Mr. McKINNEY changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1840

PREFERENTIAL MOTION OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Preferential motion offered by Mr. DICKINSON: Mr. Dickinson moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Wisconsin [Mr. ASPIN] rise?

Mr. ASPIN. Mr. Chairman, could we have the preferential motion read again?

The CHAIRMAN pro tempore. The Clerk will re-report the preferential motion.

(The Clerk reread the preferential motion.)

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes in support of his preferential motion.

Mr. DICKINSON. Mr. Chairman, let me say that we have gotten into a parliamentary labyrinth here that I think needs defining, and I wish I were fully capable of being sure I know where we are. However, I will try.

The next vote occurs on the Courter perfecting amendment, which is identical to my original amendment, which, as I understand it, means that the next vote will be on the Courter amendment, which is the original Dickinson amendment which says that there will be 50 missiles, that after we have 50 operational missiles, meaning that there are 9 more to be built, and then we will simply build no more operational missiles, just test missiles, until such time as we decide we are going to terminate that or else the Soviets leave the bargaining table, and then we can make the decision at that time whether or not to go back into production.

So this is to enable the Government to build one squadron, which is half of what we asked, 50 missiles.

Now, that is the Courter amendment which, through the parliamentary process, started out as the Dickinson amendment, and now it is the Courter amendment. So if Members want an up-or-down vote on whether or not we have 50 missiles, this is the time and this is the amendment.

Now, having said that, there are two other branches to the tree that can come later to ultimately get back to the Dickinson amendment again.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am glad to yield to my chairman. If I said anything wrong, he can correct me.

Mr. ASPIN. Mr. Chairman, I appreciate the gentleman's yielding.

I think the situation as the gentleman from Alabama stated it. Basically, we are dealing with two amendments. We are dealing with the Dickinson amendment and the Mavroules amendment dealing with two amendments. We are dealing with the Dickinson amendment and the Mavroules amendment, and we are dealing with which amendment comes first and which amendment comes second, what order they are in.

We will vote last on the Mavroules amendment, which is the 40-missile cap. We are now voting on the Dickinson amendment, which is the 50-missile cap, and we may vote on each of these one more time before we are finished working our way down the tree.

Mr. Chairman, the way the gentleman explained it is correct. The vote now is on the Courter amendment, which is no different than the Dickinson amendment.

Mr. DICKINSON. And that is for the 50 missiles, no more. The rest of it will be test missiles. This is the agreed position of the administration, it is what the Senate has passed, and I am asking the House to agree to it. I am asking for an affirmative vote on the amendment.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the preferential motion.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, let me ask whether it is the intention of the gentleman from Alabama [Mr. DICKINSON] to withdraw his preferential motion.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, yes, it is. I am not going to ask for a rollcall vote on the preferential motion.

Mr. ASPIN. Mr. Chairman, I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from New Jersey [Mr. COURTER] to the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES] as a substitute for the amendment offered by the gentleman from Alabama [Mr. DICKINSON], as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. COURTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 234, not voting 17, as follows:

[Roll No. 168]

AYES—182

Anderson	Craig	Hansen
Archer	Crane	Hartnett
Armey	Daniel	Hatcher
Badham	Dannemeyer	Hendon
Barnard	Darden	Hiler
Bartlett	Daub	Hillis
Barton	Davis	Holt
Bateman	DeLay	Hubbard
Bentley	DeWine	Huckaby
Bevill	Dickinson	Hunter
Bilirakis	Dornan (CA)	Hutto
Bliley	Dowdy	Hyde
Boner (TN)	Dreier	Ireland
Boulter	Duncan	Jones (TN)
Breaux	Eckert (NY)	Kasich
Broomfield	Edwards (OK)	Kemp
Brown (CO)	Emerson	Kindness
Broyhill	Erdreich	Kolbe
Burton (IN)	Fawell	Kramer
Byron	Fiedler	Lagomarsino
Callahan	Fields	Latta
Campbell	Fish	Leath (TX)
Carney	Franklin	Lent
Chandler	Frenzel	Lewis (CA)
Chappell	Fuqua	Lewis (FL)
Chappie	Gallo	Lightfoot
Cheney	Gekas	Livingston
Clinger	Gilman	Lloyd
Coats	Gingrich	Lott
Cobey	Gregg	Lowery (CA)
Coleman (MO)	Grotberg	Lujan
Combest	Hall, Ralph	Lungren
Courter	Hammerschmidt	Mack

Madigan	Porter	Smith, Robert
Martin (IL)	Quillen	Snyder
Martin (NY)	Ray	Spence
McCain	Regula	Stangeland
McCandless	Reid	Stenholm
McCollum	Rinaldo	Stratton
McDade	Ritter	Stump
McEwen	Robinson	Sundquist
McGrath	Roemer	Sweeney
McMillan	Rogers	Swindall
Michel	Roth	Tauzin
Miller (OH)	Rowland (CT)	Taylor
Molinari	Rowland (GA)	Thomas (CA)
Monson	Rudd	Thomas (GA)
Montgomery	Saxton	Valentine
Moore	Schaefer	Vander Jagt
Moorhead	Schuette	Vucanovich
Morrison (WA)	Schulze	Walker
Murtha	Shaw	Weber
Myers	Shelby	Whitehurst
Nelson	Shumway	Whitley
Nichols	Shuster	Wolf
Nielson	Siljander	Wortley
O'Brien	Skeen	Wylie
Oxley	Skelton	Yatron
Packard	Slaughter	Young (AK)
Parris	Smith (NH)	Young (FL)
Pashayan	Smith, Denny	

NOES—234

Ackerman	Evans (IL)	MacKay
Akaka	Fascell	Manton
Alexander	Fazio	Markey
Andrews	Feighan	Matsui
Annunzio	Florio	Mavroules
Anthony	Foglietta	Mazzoli
Applegate	Foley	McCloskey
Aspin	Ford (MI)	McCurdy
Atkins	Ford (TN)	McHugh
AuCoin	Fowler	McKernan
Barnes	Frank	McKinney
Bates	Frost	Meyers
Bedell	Garcia	Mica
Bellenson	Gaydos	Mikulski
Bennett	Gejdenson	Miller (CA)
Bereuter	Gephardt	Miller (WA)
Berman	Gibbons	Mineta
Biaggi	Glickman	Moakley
Boehlert	Gonzalez	Mollohan
Boggs	Goodling	Moody
Boland	Gordon	Morrison (CT)
Bonior (MI)	Gradison	Mrazek
Bonker	Gray (IL)	Murphy
Borski	Gray (PA)	Natcher
Bosco	Green	Neal
Boucher	Guarini	Nowak
Boxer	Gunderson	Oakar
Brooks	Hall (OH)	Oberstar
Bruce	Hamilton	Obey
Bryant	Hayes	Olin
Burton (CA)	Hefner	Ortiz
Bustamante	Heftel	Owens
Carper	Henry	Panetta
Carr	Hertel	Pease
Clay	Hopkins	Penny
Coble	Horton	Perkins
Coelho	Howard	Petri
Coleman (TX)	Hoyer	Pickle
Collins	Hughes	Price
Conte	Jacobs	Pursell
Conyers	Jenkins	Rahall
Cooper	Johnson	Richardson
Coughlin	Jones (NC)	Ridge
Coyne	Jones (OK)	Roberts
Crockett	Kanjorski	Rodino
Daschle	Kaptur	Roe
de la Garza	Kastenmeier	Rose
Dellums	Kennelly	Rostenkowski
Derrick	Kildee	Roukema
Dicks	Kleczka	Roybal
Dingell	Kolter	Russo
DioGuardi	Kostmayer	Sabo
Dixon	LaFalce	Savage
Donnelly	Lantos	Scheuer
Dorgan (ND)	Leach (IA)	Schneider
Downey	Lehman (CA)	Schroeder
Durbin	Lehman (FL)	Seiberling
Dwyer	Leland	Sensenbrenner
Dymally	Levin (MI)	Sharp
Early	Levine (CA)	Sikorski
Eckart (OH)	Lipinski	Sisisky
Edgar	Long	Slattery
Edwards (CA)	Lowry (WA)	Smith (FL)
English	Luken	Smith (IA)
Evans (IA)	Lundine	Smith (NE)
Smith (NJ)	Tauke	Weiss
Snowe	Torricelli	Wheat
Solarz	Towns	Whittaker
Spratt	Traficant	Whitten
St Germain	Traxler	Williams
Staggers	Udall	Wirth
Stallings	Vento	Wise
Stark	Visclosky	Wolpe
Stokes	Volkmer	Wright
Studds	Walgren	Wyden
Swift	Watkins	Yates
Synar	Waxman	Young (MO)
Tallon	Weaver	Zschau

NOT VOTING—17

Addabbo	Loeffler	Schumer
Brown (CA)	Marlenee	Solomon
Dyson	Martinez	Strang
Flippo	Mitchell	Torres
Hawkins	Pepper	Wilson
Jeffords	Rangel	

□ 1900

The Clerk announced the following pairs:

On this vote:

Mr. LOEFFLER for, with Mr. ADDABBO against.

Mr. MARLENEE for, with Mr. SCHUMER against.

Mr. SOLOMON for, with Mr. MITCHELL against.

Mr. STRANG for, with Mr. JEFFORDS against.

Mr. YATRON changed his vote from "nay" to "yea."

So the perfecting amendment to the amendment offered as a substitute for the amendment, as amended, was rejected.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES] as a substitute for the amendment offered by the gentleman from Alabama [Mr. DICKINSON] as amended.

The amendment offered as a substitute for the amendment, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON] as amended.

The amendment, as amended, was agreed to.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. DYMALLY] having assumed the chair, Mr. RUSSO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1872) to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill, H.R. 1872.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection

PERSONAL EXPLANATION

(Mr. KLECZKA asked and was given permission to address the House for 1 minute.)

Mr. KLECZKA. Mr. Speaker, I was unavoidably absent from the House proceedings earlier today due to a death in my family. Had I been present, I would have voted as follows:

"Present" on Rollcall No. 161;

"No" on Rollcall No. 162;

"Yes" on Rollcall No. 163;

"Yes" on Rollcall No. 164; and

"Yes" on Rollcall No. 165.

GENERAL LEAVE

Mr. COBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from Kentucky [Mr. SNYDER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERSONAL EXPLANATION

Mr. BADHAM. Mr. Speaker, on the rollcall in which the Bennett amendment was defeated, I was unavoidably detained outside the Chamber because the rollcall notification system in the Cannon Caucus Room was inoperative, and I missed that rollcall.

Mr. Speaker, had I been present, I would have voted "no."

POPULATION GROWTH—A GLOBAL CRISIS

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, we have all been galvanized by the dramatic and horrifying events of the hostage situation and the terrorist takeover of that TWA flight. Instantaneous events of this kind tend to grab us. They dominate the television screens, while sometimes underlying events, inexorable events that are taking place globally, escape our attention.

As we begin to prepare to take on the foreign aid bill this year, Mr. Speaker, I hope we will keep in mind the massive population increase that is taking place around the world and the impact that growth has on global security, on global tension, and on global violence.

A high Government agency recently completed a study of the international security implications of global population growth and it concluded that population growth of explosive characteristics taking place in Asia, Africa, and Latin America, will produce such instability, such violence, and the need for such strong countermeasures from government to maintain peace, that fragile democratic governments will find it increasingly difficult to survive. Furthermore, the study concluded that the harsh dictatorial governments, both of the right and the left, will fill the gap as the democratic governments fail to cope with the desperate population pressures, the instability, the chaos, and the violence.

The report suggested that violence could occur in Mexico and force would be needed to stop massive migration from rural areas into the capital, Mexico City.

Such migration into a city that is already suffering the ill effects of overpopulation could result in a breakdown of services such as police and fire protection, transportation systems, and utilities.

Latin and Central America, already suffering under high unemployment, will see the situation worsen during the next 15 years as the population of the region multiplies. Statistics show that the region must create 4 million new jobs in each remaining year of this century just to maintain its current pitiful rate of employment. It is unlikely that the region can be successful in producing that many new jobs when one considers that the U.S. economy, which is four times larger, even during the halcyon years of the 1970's, never created more than 3.2 million jobs in any given year.

On a global scale, the estimates are more ominous. Between the years 1980 and 2000, 700 million new jobs must be added in the developing nations of the world just to keep the unemployment and underemployment rates of those countries at the pitifully low level of 40 percent.

For the sake of the world and our own Nation, the United States cannot abandon its commitment to efforts to reduce the rate of population growth across the globe.

The developing nations of the world need our assistance in this area and we have a responsibility to provide them with the means to plan their families and to pursue options to better their lives and their societies.

AN UPDATE ON THE HIJACKING OF TWA FLIGHT 847

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, yesterday, in response to the terrorist hijacking of TWA flight No. 847, Congressman MICA and I wrote the Secretary of State recommending that he immediately initiate an evaluation of security at international airports and consider issuing travel advisories to warn Americans of potentially dangerous airports.

I am pleased to note that the Department of State today announced the issuance of such a travel advisory with regard to the Athens International Airport were the TWA hijacking originated.

I would also like to take this opportunity to advise Members that they are invited to a closed State Department briefing on the TWA hijacking and hostage situation at 3:30 p.m. today, in room 2172, Rayburn House Office Building.

The text of the letter to the Secretary of State follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 17, 1985.

Hon. GEORGE P. SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: In the wake of the tragic hijacking of TWA 847 by Shiite terrorists, we would like to take this opportunity to make the following recommendations with respect to the security of international airports and the proliferation of international terrorist incidents:

1. You should call on the International Civil Aviation Organization (ICAO) to conduct an immediate survey of current international airport compliance of existing ICAO security standards. Such a survey should be conducted with the participation of the International Air Traffic and Federation of Airline Pilots Associations (IATA and IFALPA). Based on this survey, ICAO should declare a moratorium on the use of those international airports not in compliance with existing standards.

2. In cooperation with the Federal Aviation Administration, the Department of State's Office of Security should conduct its own survey of international airport security. The purpose of the survey would be to evaluate the level of compliance of international airports with FAA minimum security standards. Those airports failing to comply with these standards should be boycotted by American flag carriers and U.S. airports should refuse landing rights to foreign flag carriers whose countries fail to comply.

3. Those countries whose airports do not meet ICAO and/or FAA minimum safety standards should be encouraged to actively participate in the State Department's Anti-Terrorism Airport Security Program.

4. The United States should seek to renegotiate existing anti-aircraft hijacking treaties to strengthen enforcement procedures including a provision creating an international sky-marshall program.

5. Finally, those countries who do not take the necessary steps to meet minimum security standards should be faced with the prospect of the issuance of travel advisories and/or the withholding of U.S. foreign assistance.

We would welcome your comments on these proposals and stand ready to continue to our cooperation in the field of combatting international terrorism.

With best wishes,

Sincerely yours,

DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs.
DAN MICA,
Chairman, Subcommittee on International Operations.

□ 1910

LEAD BAN AFFECTS AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MADIGAN] is recognized for 5 minutes.

● Mr. MADIGAN. Mr. Speaker, on March 4, 1985, the Environmental Protection Agency [EPA] issued final regulations to reduce the permissible amount of lead in gasoline by 90 percent by January 1, 1986. The new standard will limit the lead content of gasoline in two stages. The first stage is a reduction to 0.5 grams per leaded gallon required on July 1, 1985. The second stage is a reduction to 0.1 grams/gallon to be accomplished on January 1, 1986. The current lead standard is 1.1 grams/gallon. This new timetable speeds up EPA's efforts to ban lead in gasoline by 7 years. The target date for a total ban on lead in gasoline is now sometime in 1988.

The Environmental Protection Agency cites two reasons for stepping up the lead ban. The first is their evidence that gasoline is a major contributor to lead exposure. The second is their unsuccessful efforts to reduce fuel switching. Unfortunately, they have not taken the needs and concerns of the farm and ranch community into consideration.

The agency asserts that reduced levels of lead in gasoline will not damage engines designed for leaded gasoline. However, most of the studies on which EPA bases this conclusion were done on car engines and were generally not under heavy loads or at high RPM's. No tests have been done on agriculture engines under typical conditions found on the farm. A test conducted by the Society of Auto Engineeers found that the use of lead-free gasoline in engines designed to burn leaded fuel resulted in valve system wear 10 to 20 times greater than did leaded fuel. If this evidence is correct, agriculture producers could be forced to suffer equipment breakdowns during critical harvest and planting, and be faced with millions of dollars of repair and replacement costs

at a time when they can least afford it.

In addition, the agency has underestimated the number of engines still in use on the farm with hardened valve seats that were designed for use with leaded gasoline. These engines need the lubrication that lead provides. Deere and Co. estimates that there are 2 million pre-1970 tractors still in use on the farm. And results of a survey underway by the American Farm Bureau indicate that the average farm has 10 engines still in use that require leaded gasoline. Estimates of the cost to replace this older equipment average over $90,000 per farm. At a time when our Nation's farmers and ranchers are already suffering from low commodity prices, high interest rates, and high production costs, EPA is only adding salt to the wounds of agriculture.

The Environmental Protection Agency must be made aware of the impact a total ban will have on agriculture. I am introducing legislation today, along with a bipartisan group of agriculture committee members, to ensure that the agency takes into account the backbone industry of the Nation before acting further. Our bill does not attempt to reverse the already announced lead phasedown. However, it does include the following provisions:

One, it requires the Environmental Protection Agency to conduct a study, in cooperation with the U.S. Department of Agriculture, to determine the effect of a lead ban on the agriculture industry. Their study must reflect work conditions, including payloads and RPM's, that are typical of those found on the farm.

Two, EPA and USDA are required to publish their findings in the Federal Register not later than January 1, 1987.

Three, EPA must conduct public hearings to gather reaction to their published findings.

Four, they must submit a report to Congress by January 1, 1988, that includes their recommendations on how to help the agriculture industry.

Five, until this report and its recommendations are submitted to EPA is prevented from moving to ban lead from gasoline.

Let me conclude by saying that I believe that the Environmental Protection Agency has some valid concerns regarding lead poisoning. But reputable scientists, including Helen E. Kelly, M.P.H. with the American Council on Science and Health, insist that:

> The real culprit in childhood lead poisoning remains. Old Lead-based paint will continue to cause real harm to the health of children * * *. If the money to be spent complying with the new EPA regulation could instead be directed to a major effort to remove reservoirs of lead paint then the agency could indeed claim a great impact on the public health.

I do not want agriculture's legitimate interests ignored or sacrificed. The potential injury to agriculture is great enough that we must hold EPA accountable. Again, we are not asking that the clock be turned back and lead levels raised. The rule already finalized reduces lead in gasoline from present levels by fully 90 percent. Our effort will be to determine if there is going to be damage to the agriculture economy, and if so, to find a way to mitigate it.●

MORE AND MORE CHILDREN OF AMERICA ARE LIVING IN POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, call me a "bleeding heart" if you must, but I grow more concerned by the day about what is happening to the children of America.

More and more of them live in poverty—with all that means for deteriorating health, hunger, dropping out of school, teenage pregnancy, and so on and on.

One of the latest reports, from the Children's Defense Fund, is especially depressing. According to the group's careful study:

> One out of every five American children under 18 lives in poverty.
>
> It's even worse for the youngest chidren. One out of four lives in poverty.
>
> White households headed by women under the age of 25 have a poverty rate of 72 percent—almost three out of every four.
>
> Black children in single-parent families headed by women have a poverty rate of 85 percent.
>
> Between 1979 and 1983 there was a 63 percent increase in poverty among children in white, two-parent families.
>
> Of the children in poverty, 18 percent live in families where at least one parent has a full-time job.

To me, these are powerfully disturbing statistics. And they come not only from the Children's Defense Fund, but from the Census Bureau, the Congressional Research Service, and several other research groups. The facts are irrefutable.

What is Congress doing in response?

Virtually nothing. That's what is most disturbing of all.

About all Congress does is to commission studies, hold hearings to spotlight the problem, and try to avoid further cuts to the Federal programs originally designed to reduce poverty.

As thousands more children slide into poverty every week, Congress essentailly does nothing.

Why?

For basically three reasons:

First, the Reagan administration's implacable opposition to federally funded solutions. For every Federal program which has operated in the past, is operating now, or might operate in the future, the Reagan administration expresses disdain. Administration officials say that the program can't work or that the private sector should handle the problem or it's a State responsibility or the same results can be achieved with less money or we can't afford the program or that the real key is not programs but opportunity or all of the above.

It's tough—very tough to get a program through Congress over the active opposition of the President.

Second, the perceived indifference of the public to the plight of the poor. I say perceived because it's hard to gauge what's on the minds of millions of citizens. But perceptions are often what Congress operates on. From polls, from newspaper editorials, from letters and conversations, from the results of the 1980 and 1984 Presidential elections, Congressmen have the perception that voters who aren't poor don't want their tax dollars spent on programs for families who are poor.

That perception is a powerful deterrent to effective action in a representative democracy like ours.

Third, the enormous Federal deficits which plague our Nation. With fiscal red ink overflowing to the tune of $200 billion per year, it seems almost irresponsible to advocate increased spending even when that spending would address a severe, acknowledged problem. Failure to curb Federal deficits could trigger another major recession which would plunge additional millions of children and their parents into poverty.

And so, Congress is paralyzed into "benign neglect."

Except that the neglect is not benign. Children suffer in increased numbers. The poverty rate for children, which started out at 27 percent in 1960 and dropped to 14 percent during the war-on-poverty years of the late 1960's, is back up to over 21 percent.

Children are the future of our country. Common sense ought to tell us it's a mistake to consign nearly a fourth of them to a life of poverty.

THE SQUARE DANCE: A GREAT AMERICAN TRADITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am introducing legislation today with Representatives NORMAN MINETA and 64 of our colleagues to designate the square dance as the national folk dance for 1985 and 1986.

Similar legislation to permanently designate the square dance as the national folk dance of the United States

was adopted by the Senate in the last Congress. Unfortunately, the House Post Office and Civil Service Subcommittee on Census and Population did not approve the House measure before the end of the 98th Congress. While our resolution is temporary in nature, I believe it provides important recognition of a great American tradition. Today, there are more than 8,500 square dance clubs throughout the United States with more than 6 million dancers—in addition to the millions of school children who participate in square dancing on a daily basis in their schools. No other folk dance has this broad appeal or represents such an amalgamation of various folk dance traditions.

A similar resolution (Public Law 97-188) was adopted by the 97th Congress designating the square dance as the national folk dance for 1982 and 1983. The square dance continues to thrive across the country and deserves the recognition that this commemorative resolution would provide. I urge my colleagues to join with me and the more than 60 original cosponsors of this resolution in recognizing this great American tradition. The text of the resolution follows:

H.J. RES. —

Joint resolution designating the square dance as the national folk dance of the United States for 1985 and 1986

Whereas square dancing has been a popular tradition in America since early colonial days;

Whereas square dancing has attained a revered status as part of the folklore of this country;

Whereas square dancing is a joyful expression of the vibrant spirit of the people of the United States;

Whereas the people of the United States value the display of etiquette among men and women which is a major element of square dancing;

Whereas square dancing is a traditional form of family recreation which symbolizes a basic strength of this country, namely, the unity of the family;

Whereas square dancing epitomizes democracy because it dissolves arbitrary social distinctions;

Whereas square dancing is the American folk dance which is called, cued, or prompted to the dancers, and includes squares, rounds, contras, clogging, line, and heritage dances; and

Whereas it is fitting that the square dance be added to the array of symbols of our national character and pride: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the square dance is designated as the national folk dance of the United States of America for 1985 and 1986.

LIST OF COSPONSORS

Mr. Mineta, Mr. Whitten, Mr. Brooks, Mr. Flippo, Mr. Montgomery, Mr. O'Brien, Mr. Tallon, Mr. Daniel, Mr. Stenholm, Mr. Shaw, Mr. Gilman, Mrs. Holt, Mr. Erdreich, Mr. Vander Jagt, Mr. Chappell, Mr. Moorhead, Mr. Hutto, Mr. Kostmayer, Mr. Sundquist, Mr. Snyder.

Mr. Campbell, Mr. Daschle, Mr. Dymally, Mr. Gunderson, Mr. Hefner, Mr. Jenkins, Mr. Martin, Mr. Sunia, Mr. Wortley, Mrs. Burton, Mr. Carper, Mr. Robert Young (Mo), Mr. Rodino, Mr. Bevill, Mr. Wolpe, Mr. McDade, Mr. Kastenmeier, Mr. Ed Jones, Mr. Barnes, Mr. Sabo.

Mr. Levin, Mr. Taxler, Mr. Dowdy, Mr. Chappie, Mr. Coelho, Mr. Cooper, Mr. Moakley, Mr. Tauke, Mr. Dyson, Mr. Torricelli, Mr. Lantos, Mr. Taylor, Mr. Wirth, Mr. Russo, Mr. Frank, Mr. Emerson, Mr. Lagomarsino.

Mrs. Boxer, Mr. Larry Craig, Mr. Dwyer, Mr. C.W. Bill Young, Mr. Jeffords, Mr. McEwen, Mr. Fazio, Mr. Nielson.●

ANDREI SAKHAROV AND YELENA BONNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK. Mr. Speaker, this is a special order taken out by myself and my colleague from New York [Mr. GILMAN] after consultation of a very discouraging and frightening sort, with the family of Andrei Sakharov and Yelena Bonner.

Andrei Sakharov and Yelena Bonner are among the most prominent victims of Soviet oppression. Sadly, they are not wholly unique in the extent to which they have been oppressed; there are others who suffered even more, but the maltreatment that has been imposed on Andrei Sakharov and Yelena Bonner, coupled with the ill health that has plagued them both, and given the fact that he is a man of enormous distinction makes it a particularly noteworthy case because it shows that the Soviets' tragic disregard for basic human rights really cannot be bounded by ill healths of those who have been victimized, by the eminence or past services to the Soviet Union of men like Sakharov, and we are particularly concerned now because there is very real reason to fear for the health and safety of either or both of these very brave people.

Simply put, there has been no verified communication with either Andrei Sakharov or Yelena Bonner, no verified communication for some months. Mail has been tampered with; the family has been left frightened and very uncertain as to the health and safety of these two very brave people.

The apartment they had been occupying we think may no longer be occupied. Mail, as I said, has been tampered with; a postcard that was sent in early April was altered to make it look like it had been sent much later, and there has not been for several months any legitimate communication.

We worry a great deal, and one of our purposes today is to implore the Soviet Union. For many of us who recognize that there are, between our two countries, areas of agreement that should allow us to coexist, we want to implore the Soviet Union to allow to the family some communication so that they can hopefully learn that Yelena Bonner and Andrei Sakharov are still alive and in good health; but if the terrible facts are that that may not be the case, at least the families would learn that.

At this point, Mr. Speaker, I yield to my good friend from Maryland, such time as he may consume.

Mr. HOYER. Mr. Speaker, I rise to join my colleagues on the floor to speak out against the persecution of Dr. Andrei Sakharov and Yelena Bonner. I would like to associate myself with the eloquent remarks of my distinguished colleagues, Rep. BEN GILMAN and Rep. BARNEY FRANK. I also thank my good friends for taking this time so that other Members could speak out on the human rights policies of the Soviet Union. I commend my colleagues for organizing this special order. Their involvement has been not just today but throughout their careers. It is a tribute to our Nation and to our democracy that so many come on the floor today in a spirit of unity and solidarity to focus upon the desire to help in any way we can to change the plight of so many individuals in the Soviet Union.

Mr. Speaker, in focusing on the present plight of Dr. Andrei Sakharov and Yelena Bonner we hope to impress upon the Soviet Union's leaders, indeed the world community, that we are deeply concerned and that we have an obligation to raise our voices. We must denounce the forced surrender of basic human rights to the arbitrary will of a repressive government. We must intensify our efforts to demand that the Soviet Government account for its behavior.

One ongoing forum which provides us with the opportunity to present our concerns to the Soviets and East European nations is the Helsinki process which was initiated in 1975, when 35 heads of state signed the Helsinki Final Act. The Final Act is a 40,000 word document covering nearly every aspect of East-West relations, including military security, trade and economic cooperation, human rights and cooperation in the humanitarian fields. The Final Act called for periodic conferences of the 35 nations to review Helsinki compliance and to discuss new measures to enhance European cooperation and security. Between the main review conferences, various smaller meetings on specialized topics have been and will be held.

One such meeting is the human rights experts meeting which concluded last night at approximately 8:30 p.m. in Ottawa. The human rights experts meeting was originally proposed by the United States and Canada as a forum to discuss human rights issues

with the goal of improving implementation of the Final Act's human rights provisions. The meeting was also seen as an opportunity to achieve a greater understanding of each State's attitude towards human rights. The 6 week conference was mandated to discuss "questions concerning respect, in their States, for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act."

On May 15, 1985, Ambassador Schifter, who headed the U.S. delegation, described the dilemma of Dr. Andrei Sakharov and Yelena Bonner before the Ottawa Conference:

In January 1980, following his criticism of the Soviet invasion of Afghanistan, Dr. Sakharov was stripped of his state honors, and without benefit of trial, forcibly banished to internal exile in the closed city of Gorky. On May 2, 1984, he embarked on a hunger strike to protest Soviet refusal to permit his wife, Yelena Bonner, to travel abroad for urgently needed medical care. He was subsequently abducted by Soviet authorities on or about May 7, hospitalized, force-fed and may have been treated with psychotropic drugs. Since his release sometime in September, he and Yelena Bonner have been kept under virtual house arrest. Their telephone is disconnected, they cannot meet with their family and the small trickle of correspondence permitted them is heavily censored and devoid of content.

Clearly Dr. Sakharov and Yelena Bonner have been deprived of their human rights. They have been denied freedom of expression and have been isolated because of their political beliefs. As individuals committed to the human rights cause throughout their lives, Dr. Sakharov and Yelena Bonner deserve our support and, indeed, the support of the global community.

In his book, "Progress, Coexistence and Intellectual Freedom," Dr. Sakharov explains that:

. . . Intellectual freedom is essential to human society—freedom to obtain and distribute information, freedom for open-minded and unfearing debate and freedom from pressure by officialdom and prejudices. Such a trinity of freedom of thought is the only guarantee against the infection of people by mass myths, which, in the hands of treacherous hypocrites and demagogues, can be transformed into bloody dictatorship.

The freedoms Dr. Sakharov extols are those which are guaranteed by the Helsinki Final Act, to which the Soviet Union is a signatory. Article VII of the accords specifically ensures freedom of thought, opinion and expression. Today, the Soviet Union continues to disregard the standards set forth in the Helsinki Final Act and to trample upon the political and civil freedoms of its citizens. Over the past few years, hundreds of prisoners of conscience have been silenced and isolated in the Gulag and elsewhere. Emigration has been effectively brought to a halt. Helsinki monitors are repressed within the Soviet Union and denied fundamental freedoms. In 1984 alone, there were at least 130 arrests of Soviet human rights activists—4 of whom received prison terms of an average of 3 years.

Mr. Speaker, just last Friday, stepchildren of Andrei D. Sakharov held a press conference in Ottawa at which they stated that they believe that their stepfather has disappeared from his apartment in Gorky, the city to which he was arbitrarily exiled in 1984, they fear that he may be dead. Although the conference in Ottawa has come to an end, the efforts of the Helsinki Commission and of my colleagues to bring to the attention of the world the persecution of dissidents, the denial of religious freedom, and the repression of national minorities by the Soviet Government, shall continue. The plight of Dr. Sakharov is not an isolated example. It epitomizes the Soviet Union's disregard for the human freedoms and moral standards which guide relations among the States set forth at Helsinki in 1975.

Again, Mr. Speaker, I thank my learned colleagues for bringing this important issue to the floor today.

□ 1920

Mr. FRANK. I thank the gentleman from Maryland whose work on the Helsinki Commission has been so important.

I am going to yield, in a minute, to my friend, the gentleman from New York, but I just want to lay out the facts that have caused a great chill of fear to descend on those who know and love as relatives and friends Andrei Sakharov and Yelena Bonner and the much wider circle of those of us who respect them and who admire their willingness to endure a terrible martyrdom for their basic ideals.

Fellow academicians and others have courageously visited Sakharov and Bonner. The last visit was in late February. In mid-April, the family, which lives in Massachusetts, received a card which appeared to be authentic. But then a couple of weeks later they received a card which originally appeared to have been sent late in April but, on examination, almost certainly now was sent by Sakharov and Bonner on the 1st of April and was altered to make it appear as it it were sent 3 weeks later. Birthday presents were sent to Gorky, to Sakharov, in time for his May 21 birthday. There were separate gifts, and they were returned in one package, in the handwriting of Yelena Bonner, Andrei Sakharov's wife, unopened.

The fear of the family is that by returning Andrei Sakharov's birthday presents unopened, Yelena Bonner was signaling either that she no longer has access to Andrei Sakharov or that he may be dead or that he may be terribly ill. It is a sad example of the unwillingness of the Soviet Union to give in to the basic demands of humanity that we have been reduced, we are not at this point arguing for Andrei Sakharov and Yelena Bonner's freedom, which ought to be such an easy thing for them to have, at this point we are simply asking the Soviet Union: let there be some method of communication, let this man's family know if he is alive or dead, if he is desperately ill or not. That is the point to which we have been reduced. His family cannot even know and is forced to guess, like this was some arcane puzzle, of the whereabouts and the health and the very continued life of this man. It cannot be in the interests of the Soviet Union to behave in such a fashion.

□ 1930

I yield to the very able gentleman from New York who has such a long record in this, and who I must say has a reputation for support and for defense so that when Alexei Semanov, the son of Yelena Bonner had this fear that the mail had been tampered with, one of the people he most wanted to talk to, because of his reputation in this area, was the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I thank our colleague, the gentleman from Massachusetts, Mr. FRANK, for taking this time for us today to discuss recent events surrounding the serious situation of Soviet scientist Andrei Sakharov, and his wife, Yelena Bonner, and I thank the gentleman from Maryland, Mr. HOYER, for his kind words of support. It is especially timely in light of the recently concluded human rights talks in Ottawa, which I was pleased to have participated in earlier this week. A conference which reviewed the process of human rights under the Helsinki accords.

A member of the prestigious Soviet Academy of Sciences and 1975 Nobel Peace Prize winner, Andrei Sakharov was sentenced to 5 years internal exile in the closed city of Gorky without ever having been tried on any charges. His 5-year term expired earlier this year, yet Soviet authorities have not allowed him his freedom, and indeed, we are uncertain to this day as to his whereabouts and those of his ailing wife, Yelena Bonner.

On several occasions, Andrei Sakharov has undergone hunger strikes in an attempt to focus attention on the need for his wife to undergo medical treatment in the West. Nearly blind, Dr. Bonner's health has deteriorated markedly in recent years, yet during Dr. Sakharov's term in exile she perserved in maintaining lines of communication with family and friends. However, she too was sent into internal exile for 5 years, and since that time communication has decreased. The last known personal contact with Drs.

Sakharov and Bonner came in February, when two Soviet scientists were allowed to visit them. Written correspondence can only be legitimately traced back to mid-April, since recently it has been disclosed by members of the family in this country that postcards sent have been tampered with by the KGB. A master graphologist has concluded that the date on a postcard, as well as other alterations, have been made so as to obscure the Sakharov's daily routine and condition. Reports, however sketchy, imply that they have been moved from their apartment in Gorky; whether they are together or separated we do not know.

As a member of the Post Office and Civil Service Committee, I have been involved for quite some time with an investigation into Soviet disruption of mail sent to the citizens of the Soviet Union. We have identified thousands of exhibits in which letters and parcels were returned for no legitimate reason. We have known for a long time that the KGB has tampered with return receipts, yet this new development gives one pause. Our hopes earlier this year were that a change in leadership in the Kremlin might bring about a softening of attitudes. Yet, despite our hopes, this year we have seen Soviet Jewish emigration continue to decline, with only 51 persons allowed to emigrate from the Soviet Union in May; we have witnessed the arrest and imprisonment of Soviet Jewish Hebrew teachers on fabricated charges; we have learned of increasing oppression of all religious activities, and we have seen proof that the KGB will go to any lengths to isolate human rights activists such as Dr. Sakharov and his wife.

In an attempt to gain support for his wife, Dr. Sakharov tried to resign his position from the Soviet Academy of Sciences. He was refused, to the best of our knowledge, and new attempts at a hunger strike were responded to by hospitalization and forced feedings. As this grave situation continues to deteriorate, it has become clear that Soviet authorities are committed to denying the couple any rights of communication they had in previous months.

It is imperative that Members of this body express their concern and anger over this new series of events. We must continue to correspond with the Sakharovs in a united expression of solidarity for their rights. I expect that in the near future there will be hearings arising from these forgeries in the Post Office and Civil Service Committee, as an adjunct to the hearings I mentioned earlier. We must also make known our strong feelings on this matter to all appropriate Soviet authorities. They must be aware that we will monitor this situation closely, and that our reactions will be based on their actions. We appeal to the Soviet Union to demonstrate their concern for the dignity of the individual by responding to our concern for Dr. Sakharov and his wife, Dr. Bonner. I thank the gentleman for yielding and again commend him for his commitment.

Mr. FRANK. Mr. Speaker, I thank the gentleman from New York for his participation and I now yield to the gentleman from New York [Mr. DIOGUARDI].

Mr. DIOGUARDI. I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to join with my colleagues today in drawing attention to the fate of Andrei Sakharov and his wife, Yelena Bonner. I would like to commend my distinguished colleagues BEN GILMAN and BARNEY FRANK for organizing this special order so that we may voice our concerns over the Soviet Government's treatment of this brilliant, Nobel Prize-winning physicist.

Never having been convicted of a crime, Andrei Sakharov has been exiled in Gorky for over 5 years now. As a last resort, seeking the individual freedoms that mean so much to us in the United States, Dr. Sakharov has endured the effects of a prolonged hunger strike in order to protest his situation.

It is an outrage that the man whom the Nobel Peace Prize Committee called the conscience of humanity should be a victim of KGB terror. For over 15 years, Dr. Sakharov has spoken out against the ugly anti-Semitic policies of the U.S.S.R. He has decried the cultural genocide against Soviet Jews and has been a staunch defender of the State of Israel. For doing all this, Dr. Sakharov has placed his life in constant danger.

Recent developments indicate that the Soviets have isolated the Sakharovs even further from those of us who are concerned by such violations of the Helsinki accords. There are reports that the Soviets have altered or banned mail from Dr. Sakharov to his family in the United States. Last week, the Washington Post reported that the Sakharovs may have been moved to another apartment in Gorky. These are apparent attempts to suppress any details concerning Dr. Sakharov's welfare from the West.

I doubt that anyone in the West could argue successfully that the Soviets have complied with international agreements containing provisions related to human rights and emigration. The people of the free world have a moral obligation to address the consistent abuses of basic human rights by the Government of the Soviet Union. If the Soviets desire legitimacy in the world community, let them start by according to their citizens the opportunity to live free from such harassment as Dr. Sakharov has experienced.

It is imperative that this body send a signal to the Soviet Government that such actions are not to be tolerated by the international community. The conduct of the Soviet authorities in the Sakharov case, and so many others is reprehensible. It is my hope that our protest here on the floor of the House will be only one among many throughout the world so that the deprivation of civil liberties in the Soviet Union will be ended once and for all. I am grateful to have this opportunity to be heard on such a significant issue of our time.

□ 1940

Mr. FRANK. I thank the gentleman.

Mr. Speaker, I would like at this point to note that we have been joined in this special order, and I will ask soon for consent for many others of our colleagues, but I want to particularly note that the chairman and ranking member of the House Committee on Foreign Affairs, the gentleman from Florida and the gentleman from Michigan have joined with us.

I hope that the people who run the Soviet Union will take note of the wide range of Members who will have been joining in this special order on this very simple plea. At least—at least—let the family of Andrei Sakharov and Yelena Bonner know whether they live or die, what is the state of their health, where they are. At least allow them that most basic of all human rights—communication.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I thank the gentleman for yielding.

Mr. Speaker, I think it is imperative that I state for the record that sitting here and listening to my good friends, the gentleman from Massachusetts [Mr. FRANK] and the gentleman from New York [Mr. GILMAN] and those who preceded them, that the principle involved should and does affect each Member of this House, and although they are not here today, and I use myself as an example, I am here for another purpose, but listening to the argument, the basic fairness of human rights, in such a manner and presented in such a good, unique way, based upon facts, nonemotional. I think it is persuasive to my colleagues. I wish we had more here to listen to this, and I hope that some of them are listening to the TV and the communications system we have in effect, because today it might be Sakharov and Mrs. Bonner; tomorrow it could be somebody else.

The principle is there. It will never change. We can go back in history and find history repeating itself so many times. If you ignore, as an individual or a responsible government official,

the situation that is so basic, it is going to come back to haunt you.

I would just hope that in the next special order, if it is necessary, that the notices go out and maybe some other Members who might not be too active in this area or this arena would be here to help make a salient point so that the world, through this record, would take cognizance of the unjustice that has occurred.

Mr. FRANK. I thank the gentleman from Pennsylvania. His words are very much appreciated.

Mr. Speaker, I just want to reiterate in very simple terms what we have here: Two very distinguished people, Andrei Sakharov in particular, a man who was a Nobel winner for efforts on behalf of the Soviet Union. He did not win the Nobel Prize for helping Nepal or Abu Dhabi. He won it as a Soviet citizen, as a servant of the Soviet state.

For expressing views which would be commonplace in any open and democratic society, Andrei Sakharov and Yelena Bonner find themselves on trial. They are convicted of a sentence which, in itself, violated Soviet law. They are then confined to an exile for longer than Soviet law allows, and now to compound the illegal and unjustified and arbitrary treatment that these two now aging and ailing people have to sit by watch their families receive altered mail, be shut off from any communication, and we have a situation where the families literally cannot know today what the state is of their existence or their health.

Again, we want to express to the Soviet Union the simple point that many of us here would like to see progress in arms reduction. We would like to see a reduction of tensions around the world. We hope the Soviet leadership will understand the relevance of the very simple human pleas that are being made on behalf of these two terribly mistreated, brave people. If the Soviet Union's new leadership is at all interested in fostering good relations, can they not understand what a useful step it would be for them to show a little humanity in the case of Sakharov and Bonner, and many others similarly situated? It will cost them nothing. It will detract not one wit from their economic growth, from their military strength. It will enhance their world political position. No one is asking them to sacrifice. We are simply asking them for a little humanity.

Mr. LEVIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. I thank the gentleman for yielding?

Mr. Speaker, I would congratulate the gentleman from Massachusetts and the others who have participated, except that I do not think you want congratulations. You are here as a matter of deep conscience.

I had prepared a statement that I was going to insert in the RECORD, but I called my wife and said I would just feel better about it if I said to her I would be home another 15 minutes later, so I could join personally in these expressions, if I could just join with you, pausing for a minute, wondering where Andrei Sakharov and his wife, Yelena Bonner, are at this moment, and wondering what kind of a society it is when people inside and out of it do not even know if someone is alive or not, if somebody is healthy or very ill.

I think we have to ask ourselves, and mainly the Soviet Union should ask itself, why Andrei Sakharov has become to be one of the best known names within the world. Why? I think clearly it is because Andrei Sakharov, both for the nobility of his deeds and the shame of his persecution, has come to embody the tragedy of thousands of Soviet prisoners of conscience.

Sakharov the academician, decorated with the highest honors the Soviet Union can bestow upon its scientists, now he is terrorized by that same government, and it has been going on for years. As a member of the intelligentsia, he sheltered those spokesmen of justice who were less influential members of that society.

What did he write? He wrote of the need for peaceful coexistence and understanding between world powers. Here, today, we have debated again MX. Andrei Sakharov wrote of the need for disarmament. Those were his crime.

□ 1950

And another crime was that he spoke out against his own government's immoral invasion of Afghanistan, a neutral Third World state, and 5 years later it is the scene of one of the bloodiest and most inhumane wars.

It is this call to conscience which led to the silencing of Andrei Sakharov. But I think what the Soviet Union is learning—although maybe it is not—is that they really have not silenced him because his message is now cast more broadly throughout the world than it ever was before.

So this evening we record our continuing concern for the welfare of Andrei Sakharov and his wife. They are people of compassion. They never will be forgotten by us. I think the gentleman from Massachusetts and others have stated it so eloquently: We intend to continue to speak out until we know where he is, until we know how he is, and until he is let free.

Mr. FRANK. Mr. Speaker, I thank the gentleman from Michigan. And I thank the gentleman from New York. I should repeat that his reputation as a champion of human rights and as a thoughful defender of the rights of people led the Sakharov family to ask that he be very directly involved in these efforts.

● Mr. FEIGHAN. Mr. Speaker, I want to thank my colleagues, the gentleman from Massachusetts, Mr. FRANK, and the gentleman from New York, Mr. GILMAN, for calling this very important special order today. The continued persecution of Nobel Prize Winner Andrei Sakharov and his wife, Dr. Yelena Bonner, calls into serious question the desire of the Soviet Union to be included in the community of civilized nations, and clearly raises doubts about their desire to comply with international agreements which they have voluntarily signed.

The internal exile of Andrei Sakharov to Gorky over 5 years ago, violates the Soviet Union's own law and constitution. In addition, the refusal to allow his wife and he to travel abroad for medical attention violates the Helsinki accords, the U.N. Charter, and the U.N. Declaration on the Rights of Man. I suppose these violations should come as no surprise to us, granted that the character of the Soviet regime has been marked by continued repressions and brutalities against their own people and their neighbors. No one should soon forget the Soviet regime's conduct in the streets of Budapest and Prague and in the hills of Afghanistan.

Still, the treatment of Andrei Sakharov, an individual of world-wide renown, has touched the hearts and minds of all who share a concern for world liberty. From the earliest reports of their detention by the KGB, to recent reports on the possible removal of Dr. Sakharov and his wife from their Gorky apartment, Members of this House have raised their voices in protest. I know that I and several of my colleagues have had the opportunity to meet with Soviet officials, both here and overseas, on the Sakharov case. In almost every instance, our conversations have been unproductive in securing the couples release. Still, I believe we have responsibility to speak out, to raise our objections clearly and consistently, and to let the Soviets know that the cause of Andrei Sakharov and Yelena Bonnor is a cause that can never be silenced, and that it is a cause shared by Members of this House and by the American people.●

● Mr. SOLARZ. Mr. Speaker, I find it unfortunate that it is necessary for my colleagues and me to once again rise in an effort to call attention to the continuing plight of Andrei Sakharov and his wife Yelena Bonner.

For over 5 years—the maximum time allowed for a citizen to be exiled according to Soviet law—Dr. Sakharov's tragic isolation has continued. Ignoring continued calls by the United

States and other countries and by numerous human rights organizations, the Soviet Government has refused time and again to allow this beleaguered couple to leave the Soviet Union. More than five times in the last several years Dr. Sakharov has submitted himself to the torture of a hunger strike in an effort to convince the Soviet Government to allow his wife to go abroad and receive medical treatments for the many ailments brought on and aggravated by their continuing incarceration.

The time has come for the Soviets to realize that the persecution of this man can go on no longer. The plight of Sakharov is part of the chasm that has made successful arms control agreements impossible. As Sakharov himself said nearly 10 years ago, human rights is the first step toward achieving mutual understanding between the superpowers. Today, the former national Soviet hero who helped develop nuclear weapons is being denied the very rights that he has shown are needed to control his creation.

Some people say that by pushing for arms control, we are overlooking human rights violations; in fact, we seek arms control and reduction of tensions in part to further human rights in the Soviet Union. Andrei Sakharov proved this and he continues to remind us of each day he is kept imprisoned.

Andrei Sakharov is by profession a physicist. But his greater contribution to the world is the insight he has given to world peace and the need for universal human rights. He has observed that in a closed society where human rights are neither granted nor acknowledged, a society that does not provide for freedom of information, freedom of conscience, freedom of religion and the freedom to travel and live in the country of one's choosing, international trust and foreign understanding are impossible.

Today, the reality of Soviet repression and Communist tyranny represents not a distant memory, but a living nightmare. Andrei Sakharov asks only for a visa so his ailing wife can get the medical treatment she needs. What he gets in response is an in-house arrest where he is held virtually incommunicado so that today neither his nor his wife's family know where he is, or even if he is alive.

In the 98th Congress, this body and the Senate passed 13 independent resolutions calling on the Soviets to allow Sakharov and his wife protection, medical care, and freedom. It is my wish that the Soviets will soon see that by keeping the Sakharovs imprisoned, all they are doing is escalating the problem and the pressure. By freeing the Sakharovs, the Soviets will lose nothing—they have only to gain a sense of humanity.

I have already noted that is is unfortunate that it is necessary for us to have this special order in behalf of Andrei Sakharov today. But until he and wife are freed, it is vitally important for Congress and the American people to honor and remember this extraordinary man, for in so doing we recognize this indomitable human spirit in the face of oppression and we reaffirm our own commitment to human rights.●

● Mr. LANTOS. Mr. Speaker, today I am pleased and honored to join my distinguished colleagues in the House to speak out for Nobel Laureate, Dr. Andrei Sakharov. I wish to commend our distinguished collegues, BARNEY FRANK and BEN GILMAN, for their leadership in calling this special order.

The Soviet Government's continued abuse of Dr. Sakharov and his wife Yelena Bonner is morally indefensible and it cannot and must not go unnoticed. I am appalled over the recent reports that the Sakharovs have once again been forced to move to another apartment in Gorky, further isolating them from friends and family.

Over a year ago we in Congress called upon the Soviet Union to allow Yelena Bonner and Dr. Sakharov to emigrate to the West. Our request fell on deaf ears. I find it incomprehensible that the Soviets continue to deny the Sakharov's—and many others—the fundamental human rights of living where one chooses.

When the Soviet Government signed the Helsinki Accords in 1975, it accepted the solemn international obligation to its own citizens as well as to the rest of the world to respect human rights and fundamental freedoms. Yet the Soviet Government has failed to observe the international human rights obligations it has accepted, but instead it continues to persecute Hebrew teachers, Christian and Jewish believers, and human rights activists, such as Anatoliy Shcharansky and Andrei Sakharov. We must continue to demand that the Soviets honor their obligations.

The Sakharovs—people of great courage, humanity, and dignity—deserve to be able to live where they choose, to think and speak as they choose. Their continued harassment and persecution demonstrates the most heinous side of Soviet insensitivity to human rights.●

● Mr. YATES. Mr. Speaker, Andrei Sakharov and his wife Yelena Bonner are two eminently courageous individuals and they stand today as nothing less than historic figures in the ongoing, universal struggle for basic human rights. The Sakharovs need and deserve every bit of honor and support that we can give them, and I congratulate my colleagues, BARNEY FRANK and BEN GILMAN, for taking this time today.

As the world knows, Andrei Sakharov is a Soviet academician and brilliant physicist. He and his wife were among the elite of Soviet society and were entitled to all the privileges that go with that kind of status in the U.S.S.R. But they chose principle over comfort and status, and began a battle for human rights in the U.S.S.R. that resulted in the award of the Nobel Peace Prize. This struggle also resulted in their being banished by the Soviet authorities to the industrial city of Gorky in 1980. For the past 5 years Sakharov and Bonner have endured a cruel, destructive, and illegal banishment that has damaged their health and caused them to engage in hunger strikes as a means to force the authorities to alter their treatment and isolation.

When we think about this valiant couple, we need to remind ourselves that they are speaking for many thousands of other Soviet citizens who suffer under that government. We honor Sakharov and Bonner and we express our growing concern for their well being and in doing this we also remember the many others in the U.S.S.R. who seek the right to speak, to read, to practice their religion and to emigrate.●

● Mr. MANTON. Mr. Speaker, I am pleased to add my voice to those of my colleagues protesting the Soviet authorities treatment of Nobel Prize Winner Andrei Sakharov and his wife, Yelena Bonner. I would like to commend my colleagues for organizing this special order so that there will be no confusion regarding the House of Representatives' commitment to Andrei Sakharov and other Jews in the Soviet Union who are struggling to regain their freedom. Many of us in the Congress had hoped that with the new leadership in the Kremlin we would see an improvement in the situation in the Soviet Union. Unfortunately, that dream, like the dreams of the Jews in the Soviet Union, has not become a reality.

Mr. Speaker, the special order today has been organized so that members can express their concern about recent events affecting Andrei Sakharov and Yelena Bonner. As many know, Andrei Sakharov is a world renowned mathematician and physicist who has been awarded a Nobel Prize for his work. But Andrei Sakharov is not only a man of the sciences but also a man of the soul.

Before his exile, Andrei Sakharov was an outspoken advocate for human rights. He himself did not seek to emigrate though he sought that basic freedom for others. Andrei Sakharov only sought to be able to travel like any other scientist would, and to share his knowledge and exchange ideas with other scientists. But his voice was another one the Soviet Union sought

to silence. Andrei Sakharov was exiled, without trial, to Gorki, cut off from his colleagues and from the outside world. Andrei Sakharov has been in exile for five years. His wife, Yelena Bonner, has been exiled with him for over a year.

We in the Congress are especially alarmed about the status of the Sakharovs due to recent reports that the Sakharovs have been moved to a different apartment and that their mail from the west is being tampered with. There does not appear to be anyone living in the apartment the Sakharovs had occupied, and the police surveliance that had been present has ceased. My colleagues and I are greatly disturbed by this. No one has heard from the Sakharov's recently and their whereabouts are unknown. It is imperative that we receive assurances that the Sakharovs are alive and well. Mr. Gorbachev, I urge you to share the whereabouts of the Sakharovs with their family and friends.

It is particularly appropriate to voice these concerns at this time as the human rights meeting in Ottawa comes to a close. The provisions of the Helsinki accords, as well as other human rights documents which the Soviet Union has signed, are being blatantly ignored by the Soviet Union. This is true for the Sakharovs' and for many others including, prisoner of conscience. Iosif Berenshtein, with whose case I am particularly concerned.

I urge the leaders in the Soviet Union to reconsider their position and their actions. The cause of peace is not furthered by these gross violations of the Helsinki accords. My colleagues and I will continue in our vigil on behalf of the Jewish people of the Soviet Union. Forty years ago most of the world was silent, that silence will not be repeated today.●

● Mr. BROOMFIELD. Mr. Speaker, I offer my support of this special order which calls attention to the fate of Andrei Sakharov. In violation of Soviet law and human rights, the Sakharovs are being held in almost complete isolation. Now is the time to protest this illegal and senseless abuse of the Sakharov family.

Mr. Sakharov has been exiled in Gorky for over 5 years. He has never, however, been convicted of a crime. His wife, Yelena Bonner, has also been exiled with him for over a year. There is real concern about the health of both of them. Their mail has been tampered with and they may have been moved to another apartment in Gorki. The KGB has denied the Sakharovs a television, telephone, and a typewriter. They even jammed their radio.

In addition to ignoring their own laws, the Soviets routinely violate the Helsinki accords which they signed in 1975. Once again, we see that law and international accords mean little to the Kremlin.

For these reasons, I join my colleagues in protesting the Soviet Union's abuse of the Sakharovs.●

● Mr. ADDABBO. Mr. Speaker, I would like to join my colleagues in expressing the concern of this Congress and the American people for the fate of Andrei Sakharov and his wife, Yelena Bonner.

For more than 5 years now—under four separate leaders—the Soviet Government has illegally held this Nobel Peace Prize winner and his wife in internal exile.

What was their crime? Even the Kremlin has not been able to fabricate a charge that would justify the actions they have taken. The Sakharovs only crime was that they dared to monitor Soviet compliance with the provisions of the Helsinki accords, and spoke out against the regime's flagrant human rights violations. The truth continues to be a threat to Soviet totalitarianism.

Fortunately, we in the West do not have the same fear of the truth. The Kremlin may be able to silence the voices of Andrei Sakharov and Yelena Bonner, but their fate and their message will continue to be heard. Mr. Gorbachev must know that the Congress of the United States is monitoring not only the fate of the Sakharovs, but the state of human rights in the Soviet Union which they have so courageously sought to defend.

Mr. Gorbachev is still new in his job. He represents a new generation of Soviet leadership—one not burdened with the dark traditions of Stalinism. We in this Congress invite Mr. Gorbachev to take an important step in improving relations with the West by releasing the Sakharovs and complying with the Helsinki accords.

We are greatly concerned for the health of the Sakharovs and we urge Soviet authorities to allow Miss Bonner to seek medical attention in the West.

I can assure the Kremlin that continued persecution of the Sakharovs and continued Soviet violations of human rights, will not go unnoticed or unanswered in this country.●

● Mr. FORD of Tennessee. Mr. Speaker, I am pleased to join my colleagues in speaking out against violations of human rights by the Soviet Union. Continuing violations of human rights in the areas of family reunification, right to travel and emigrate, and freedom of religion, thought, and conscience are evident. Such is the case for Andrei Sakharov, who has never been convicted of a crime, yet he has been exiled in Gorky for over 5 years now. His wife, Yelena Bonner, has been exiled with him for over 1 year and there is continuous concern about their health.

As my colleagues are aware, Sakharov, a distinguished physicist, won the Nobel Peace Prize in 1975 for his work. Though isolated and harassed by the authorities, he continues to advocate freedom of emigration, amnesty for all prisoners of conscience, and other rights set forth in the 1975 Helsinki Final Act and other human rights documents.

Recently, another unfortunate twist of events has taken place. Sakharov's mail to his family in the United States has been tampered with, in an attempt to learn the details about a possible hunger strike. It is deplorable that the Soviet Union has attempted to alter or ban the mail of this brilliant Nobel prize-winning academician.

It was 10 years ago that the 35 signatories representing Europe and North America established the Helsinki Final Act thereby pledging to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language, or religion. As the human rights experts meeting in Ottawa, Canada, conclude their business of reviewing the provisions of the Helsinki accords it is important that violations of human rights in the Sakharov case and other cases be raised at this time.

As members of a free nation we must speak out against such violations by the Soviet Union. We must seek the enforcement of the Helsinki accords and impress upon the Soviet Union our objection to the denial of basic human rights.●

● Mr. BERMAN. Mr. Speaker, I am honored to participate in this special order on behalf of Dr. Andrei Sakharov, the renowned Soviet scientist and human rights advocate.

Andrei Sakharov was the father of the Soviet H-bomb. He also laid the theoretical foundation of fusion physics and its many promising peaceful applications. Scientists around the world continue to develop and refine the theories of antimatter that Sakharov first developed approximately 10 years ago.

Mr. Sakharov's activities outside the laboratory, however, led to his 1980 arrest and exile. In his unique position as an internationally known scientist he successfully attracted attention to the repression and human rights abuses of the U.S.S.R. Dr. Sakharov sacrificed his career and his freedom when he dared to criticize Soviet totalitarianism and publicly supported political prisoners silenced in the Gulag.

Barred from leaving the country to accept the Nobel Peace Prize, his wife delivered his acceptance speech in which Sakharov stressed that "the defense of human rights guarantees a solid ground for genuine long-term international cooperation." When the

Soviet Union invaded Afghanistan a few years later, human rights and international cooperation were not the slightest consideration. Sakharov's protest of an already internationally unpopular military action was the breaking point; his activities were classified as "subversive." In January 1980, he was abducted on his way to the Academy of Sciences and immediately exiled to Gorky.

The Soviet Union has committed an irreparable crime against humanity by trying to silence an individual whose work would surely have benefited people of all nations. The Soviet regime has denied both Sakharov and his wife necessary medical attention, and prohibited his daughter-in-law from emigrating to join their son in the United States. We seek the release of Dr. Sakharov and political amnesty for others who have dared to protest persecution. The U.S.S.R. can continue to lock up individuals, but they can never destroy the desire for freedom.●

● Mr. FASCELL. Mr. Speaker, it is wholly appropriate that during the concluding days of business for the human rights experts meeting in Ottawa, we voice our concerns for the plight of Dr. Andrei Sakharov and Yelena Bonner.

This is indeed a time-sensitive issue as recent reports filter into Moscow suggesting that Andrei Sakharov and Yelena Bonner may have been further isolated by the mysterious action relocating them to an alternate exile site in Gorky.

Further concern has been warranted by the fact that the Soviet Union has refused to allow independent confirmation of their whereabouts, or health. This is another indication of the Soviet Union's repeated failures to live up to its obligations under the 1975 Helsinki Final Act. Under the Final Act Andrei Sakharov and Yelena Bonner should be allowed their basic human rights: To live in the country of their choice; to receive the medical attention they deem necessary; and to join relatives and friends for whom this separation has been so painful.

Dr. Sakharov, a widely respected and outstanding leader of the human rights movement, was recognized in 1975 for his significant scientific contributions by being accorded a Nobel laureate.

Dr. Sakharov, though isolated, continues to advocate basic individual human rights, in spite of harassment. And his wife, Yelena Bonner, as a member of the now disbanded Moscow Helsinki Group heeded her obligations to report human rights problems while continually defending her husband against unfounded charges.

I call on all Western governments to do all in their power to save the lives of Andrei Sakharov and Yelena Bonner. I ask that people of goodwill everywhere urge the Soviet Union to live up to their Helsinki obligations.●

● Mr. DWYER of New Jersey. Mr. Speaker, I am especially grateful to participate in this timely special order on behalf of Soviet dissident, Andrei Sakharov. Today, we must commemorate all who have demonstrated their persistent struggle for freedom and self-determination in spite of endless oppression.

Soviet academician and dissident, Andrei Sakharov has been exiled in Gorky for over 5 years. Until a year ago, his wife, Yelena Bonner, was permitted to maintain contacts with foreigners and friends. She has since been living in exile with her husband for over a year.

The struggle for human rights is helped immeasurably by the strength and commitment shared by all who are here today in condemnation of Soviet atrocities. These statements are now an essential ingredient in the worldwide effort to aid the oppressed.

Mr. Speaker, as you know, Andrei Sakharov remains a servant of the state with virtually no rights. The inexhaustable determination that he has demonstrated in his struggle for independence is a true indication of his love for the freedom of which he has been so unjustly deprived.

Our power to influence the Soviet state toward humanity is limited, as we have sadly learned. However, as representatives in the free world we can make clear that we know, care, and will never forget their endless plight for liberty and freedom.

The Helsinki accord continues to serve as tremendous encouragement and inspiration. Regretfully, the pleadings of men like Andrei Sakharov have not been met, their appeals for justice will not be silenced. I wish to thank Congressman GILMAN and Congressman FRANK for calling my attention to this special order.●

● Mr. FLORIO. Mr. Speaker, I am pleased to join my colleagues Congressmen BARNEY FRANK and BEN GILMAN in this special order calling attention to the plight of Andrei Sakharov and his wife Yelena Bonner. As a member of the International Parliamentary Group for Human Rights [IPG], I am distressed by the inhumane treatment that Andrei Sakharov and his wife have been subjected to throughout the years for having dared to speak out for the inalienable human rights that no government should be able to deny.

Unfortunately, the Soviet Union has been denying these rights to Andrei Sakharov and Yelena Bonner, as well as numerous citizens who have had the courage to speak out. Andrei Sakharov has been exiled in Gorky for over 5 years now, despite a 5-year limit in Soviet law on exiles for convicted criminals. Andrei Sakharov has never been convicted of a crime; to the contrary, as a physicist who was awarded the Nobel Peace Prize for his human rights activities, he had contributed his dedication to upholding laws of humanity. The Soviet Union has repeatedly denied to Bonner the right to seek medical attention outside the Soviet Union. It has now been reported that Sakharov and Bonner may have been moved to another apartment in Gorky in order to further isolate them from the outside world.

I would like to join my colleagues in expressing my outrage at the deplorable treatment of this couple and to request that their situation be improved, in accordance with the Helsinki accords. Andrei Sakharov and Yelena Bonner are indicative of the many thousands of people in the Soviet Union whose names we do not hear, who are daily subjected to limits on their freedom, on their rights to religion, speech, press, and political belief. We have a moral responsibility to join our voices with theirs and to continue to bring this situation the international attention that it rightfully deserves. Only when we continue to speak out against these violations will we be able to impress upon the Soviet Union that we, as a nation, are committed to seeking an improvement in this situation and that we are not ready to give up this effort.●

● Mr. BROWN of California. Mr. Speaker, I rise today to extend thanks to the distinguished gentlemen from New York and Massachusetts for reserving this special order regarding Soviet dissident and Nobel laureate Andrei Sakharov.

The cruel treatment of Dr. Sakharov, a world-renowned physicist and advocate of human rights in the Soviet Union, must end. Dr. Sakharov's crime is that he chooses to speak out against the oppression and brutality of the Soviet system. This courageous stand, which won him the praise and admiration of millions around the world, also earned him internal exile to Siberia and humiliating rebukes by the Soviet Government. Banished to the closed city of Gorky in 1980, Dr. Sakharov has been the subject of ongoing and intense KGB harassment and surveillance. His mail is continually interfered with, and he is forbidden to have any contact with the outside world. After a recent hunger strike he launched to gain freedom for his wife, Yelena Bonner, who desperately requires advanced medical care, Dr. Sakharov himself became gravely ill. There are reports that he may have been forced fed and given mind-altering drugs. It is now believed that he may have been moved from the apartment he shares with his wife in Gorky. Both he and his wife have suffered greatly from the unrelenting stresses of their forced exile. Presently, neither Dr. Sakharov's family nor his

friends and supporters can ascertain his exact whereabouts and his true physical condition.

The Soviet Government has frequently dismissed its treatment of Sakharov as a purely internal affair and has repeatedly refused to discuss the matter with visiting heads of state. But the Soviet Union is a signatory to at least three international accords which expressly forbid the denial of political and civil rights. This glaring contradiction between Soviet promises and Soviet deeds is tragically illustrated in the forcible silencing of the Sakharovs.

I have long supported Dr. Sakharov and his brave stand against the oppression of successive Soviet regimes. Over the years, I have introduced legislation in Congress urging the Soviet leadership to allow the Sakharovs to leave the country or to stay and live freely, without the threat of abuse or physical harm. Additionally, I have signed on to numerous letters sent to Soviet authorities urging that the Sakharovs exile be ended and that Dr. Sakharov and his wife be allowed to leave the Soviet Union.

The rights of free expression and movement are fundamental human rights that must be protected. I will continue to urge that Dr. Sakharov and all dissidents be allowed to exercise these rights unharassed and unafraid of punishment.●

● Mr. OBERSTAR. Mr. Speaker, tonight's special order has justifiably elicited an outpouring of outrage in this House over the treatment by the Soviet Government of Andrei Sakharov and his wife, Yelena Bonner, a human rights activist. Their isolation for over 5 years in Gorky is in direct violation of the Helsinki accords, which the Soviet Government has signed and repeatedly violated.

Recent reports reaching the West confirm that the Soviet Union is again subjecting the Sakharovs to conditions no one should have to endure. The Soviets continue to refuse to disclose information on the health, legal status, and whereabouts of the Sakharovs.

Dr. Sakharov has a weak heart, yet has repeatedly been refused adequate health care. His wife, Yelena, suffers severe eye and heart ailments requiring immediate attention, but she has been denied a visa to travel to the West for treatment on the spurious grounds of alleged treason.

In response, Dr. Sakharov has undertaken hunger strikes to implore authorities to allow his wife to travel to the West for medical treatment. Recent reports indicate that Sakharov had threatened to resign from the Soviet Academy of Sciences by May 10 if the academy would not help him improve conditions for him and his wife in exile in Gorky. This act would embarrass the Soviets by officially removing one of their most prominent scientists, but would also deprive Dr. Sakharov of his last source of income. We do not know the outcome of his efforts.

Earlier last week the Washington Post reported that the apartment in Gorky where Sakharov and his wife have been isolated since 1980 has been abandoned, indicating that the Soviet authorities have further isolated the Sakharovs, again without any announcement—or information as to his new residence. There is deep concern that Sakharov may in fact be very ill. This uncertainty highlights the need for a statement from Congress, the greatest deliberative body in the world, expressing our extreme disapproval of these blatant human rights violations.

While we do not know the whereabouts of Dr. Sakharov and his wife, we do know that they have become a symbol of the unending struggle for freedom of the people in the Soviet Union. They are asking for no more than the right to live, speak, and think freely. We must not let Andrei Sakharov and Yelena Bonner stand alone. We must let the Soviet Government know that the Congress of the United States, and indeed all the people of the free world, will not let such deprivation of human rights go unanswered.

I join my colleagues, the gentleman from New York [Mr. GILMAN], and the gentleman from Massachusetts [Mr. FRANK], in condeming the deplorable treatment of this brilliant Nobel Prize-winning humanitarian and his courageous wife.●

● Mr. LEACH of Iowa. Mr. Speaker, I rise to join my colleagues in honoring Andrei Sakharov and to express deep concern over continued Soviet mistreatment of this world-renowned physicist and Nobel Peace Prize laureate.

The plight of Andrei Sakharov and his wife, Yelena Bonner, has deeply touched the hearts of the American people. Although little information is available on their whereabouts or welbeing and it appears their mail is being tampered with, we must not permit Soviet authorities to discourage either our interest in or our advocacy on behalf of Dr. Sakharov and his wife. The Soviet state may be able to silence dissent and free expression within its own borders but it cannot prevent the world standing witness to the oppressive acts of a police state.

On this occasion, I join my colleagues in urging Soviet authorities, in a spirit consistent with the human rights accords to which their government is signatory, to provide the U.S. Government and other interested parties full details on the whereabouts and condition of Andrei Sakharov and his wife and to indicate a willingness to free these courageous people from the constraints of internal exile. Such a compassionate act would contribute to a climate of greater confidence between the two superpowers and enhance prospects for improved relations in a variety of areas of mutual interest to our governments. Failure to abide by the rule of law can only have a dampening effect on such prospects and lend credence to those who disparage warmer relations between our countries.

Dr. Sakharov and his wife have earned a place of deep respect among all who cherish the basic freedoms we enshrine in our Constitution. We owe it to them and to our own heritage to defend their cause. Until they are free, we cannot be silent.●

● Mr. LEVINE of California. Mr. Speaker, although I am pleased to join my distinguished colleague from Massachusetts [Mr. FRANK] in this special order to protest against Soviet treatment of Andrei Sakharov, I am deeply saddened that there is still the need for such an occasion. The case of Andrei Sakharov is a microcosm of the Soviet Union's entire policy toward human rights and human dignity.

Mr. Speaker, the story of Andrei Sakharov, a Nobel Peace laureate, is well known. In 1970, he and other Soviet physicists founded the Committee for Human Rights, an organization dedicated to promoting in the Soviet Union the principles expressed in the Universal Declaration of Human Rights. These principles guarantee to all the rights of freedom of thought, religion, and expression.

As a result of Dr. Sakharov's active role in the committee and his courageous stand for freedom, he was arrested and banished to internal exile with his wife, Yelena Bonner. In 1980, they were involuntarily settled under police surveillance in the remote city of Gorky, isolated from friends, colleagues, and all of society. And there they lived for over 5 years, subject to harassment, intimidation, and outright cruelty by Soviet authorities.

Now it appears there is a serious question as to the whereabouts of Dr. Sakharov and Mrs. Bonner. Reports indicate that there is no sign of anyone living in their apartment and there are other signs that things are amiss. Family and friends are concerned about their health and whereabouts.

Members of this institution have on many occasions expressed deep concern about Soviet treatment of these two courageous individuals who have suffered dearly under Soviet rule. There seems no end to the cruelty the Soviets inflict on these human beings; no end to the torture they invent. And now we must ask what further torture these people are being subjected to.

Mr. Speaker, Andrei Sakharov often warned that the Soviet failure to observe basic human freedoms is a grave

threat to peace because it silences voices of dissent within the Soviet Union. Such violations of human rights demand the attention and condemnation of the world.

Andrei Sakharov's life has been hard, yet he has lived it courageously. He has served as an example for all whose lives are oppressed and whose human rights and dignity are violated.

Now we must once again send the message to Soviet authorities that we care deeply about the life of this one man, as we do for all people who are forced to live under repressive rule. I understand a copy of the statements of this special order will be sent to Soviet Ambassador Anatoly Dobrynin. Mr. Ambassador, I join my colleagues in appealing to you to for answers. Where are Dr. Sakharov and Mrs. Bonner? Why does your government torture them unrelentingly? Why won't you stop? Surely they have suffered enough. Surely your government must realize in what a negative light Soviet oppression is viewed.

I appeal to you to provide a waiting world with information on these people, and to release them to enjoy the freedom that is the natural right of all people everywhere.

Thank you.●

● Mr. GREEN. I would like to thank my distinguished colleagues, Representatives GILMAN and FRANK, for organizing this special order on behalf of the Soviet dissident Andrei Sakharov.

Andrei Sakharov, a Nobel Peace Prize-winning physicist, has been exiled to Gorky since 1980 for his human rights activities. He has never been convicted of a crime in the Soviet Union. His wife, Yelena Bonner, has been banished to Gorky with him for almost 1 year in what is clearly an attempt by the Soviet Union to isolate Sakharov and limit his human rights activities.

The Sakharovs are kept under house arrest, may not leave Gorky or communicate with foreigners and friends. Friends are threatened with the possibility of imprisonment if they communicate with the Sakharovs, and it is believed that Sakharvo's mail to his family in the United States has been tampered with.

Recent reports indicate that Sakharov and his wife may have been moved from their apartment in Gorky. This can only contribute to isolating them further from any means of communication with the outside world.

It had been hoped and rumored that the Soviets would improve their human rights record upon Gorbachev's rise to the premiership. However, using Soviet emigration as a barometer, no such improvement has materialized. According to the Coalition to Free Soviet Jews, only 51 out of 400,000 Soviet Jews who applied to emigrate were allowed to leave the U.S.S.R. in May. In all of 1984, emigration statistics show that only 896 Jews received visas to leave the U.S.S.R.

We in the U.S. Congress must continue to protest Soviet violations of human rights. I urge my colleagues to join me in this special order and bring to the world's attention the fate of Andrei Sakharov and other oppressed peoples in the Soviet Union.●

● Mr. McGRATH. Mr. Speaker, I rise to add my voice to the others of concern that have spoken out today against the tragic plight of Dr. Andrei Sakharov and his wife, Yelena Bonner.

Dr. Sakharov has been honored with Nobel Peace Prize for his concern and involvement with the promotion of human rights. In the Soviet Union this heralded activity has rendered him a prisoner of internal exile. What an incredible situation. This renowed physicist of unparalleled achievement and standing in the worldwide community has been banished to the city of Gorky, 250 miles from the center of the Soviet academic and scientific community. His wife over 1 year ago was stripped of her privilege to travel to and from Moscow. They now find themselves in failing health and complete isolation.

And yet this inhuman treatment is not enough for the Soviets. They have denied Sakharov and Bonner desperately needed medical treatment. They permitted Dr. Bonner's daughter-in-law permission to join her husband in the United States only after Dr. Sakharov undertook a hunger strike that garnered worldwide attention. And now, there are very strong indications that the Soviets have tampered with their mail.

Reports from Gorky indicate that Dr. Sakharov had embarked on a hunger strike in an attempt to get medical treatment for his wife. The fragile state of his health concerned family members. But then communication from Dr. Sakharov was received by family in the United States assuring them of his well-being. Everything appeared status quo until it was learned that the Sakharov communication was very likely a forgery. Additional reports from Gorky have now raised concerns that the couple has been moved from their apartment to whereabouts unknown.

Mr. Speaker, one can only surmise the reason for this latest blatant violation of human dignity. However, I am certain my colleagues will agree that the Soviets should clearly understand these actions do not go unnoticed. We in the Congress and scores of citizens across this country are aware of their disregard for the rights of the Sakharovs and thousands of Soviet Jews and dissidents. The eyes of the West are clearly focused on the Soviet Union's treatment of its citizens who wish to emigrate.●

● Mr. LENT. Mr. Speaker, I join my colleagues today in protesting against the Soviet Government's intolerable treatment of the distinguished Noble Prize laureate Andrei Sakharov and his wife, Yelena Bonner.

It is particularly timely to raise this important issue as the international participants at the Ottawa Conference on the Helsinki Review bring their business to a close. The Helsinki accords, an international ageement signed by the United States, the Soviet Union, and numerous other nations, is designed to promote and protect human rights and freedoms. Despite the fact that the Soviet Union is a signatory to the Helsinki accords, the tragic case of Andrei Sakharov and Yelena Bonner clearly demonstrates the Soviet's continued violations of the treaty and abuses of human rights.

A noted physicist and Soviet dissident, Andrei Sakharov was sentenced to 5 years in internal exile in the city of Gorky. Yet he has never been convicted of a crime. Last year, Yelena Bonner was tried, convicted, and sentenced to internal exile in Gorky as well after Soviet authorities said they discovered a plot under which she was to seek asylum in the U.S. Embassy in Moscow. Both Sakharovs suffer ill health and are in need of medical attention. For their crimes, they have been isolated from their family and from communicating with the outside world. There are many disturbing, unanswered questions in this case, and information regarding the couple's health and general whereabouts is infrequent and often unreliable. Even as the Soviet authorities lower a personal Iron Curtain around the Sakharovs, they have undertaken a propaganda campaign to deflect international criticism of their contemptible actions against the Sakharovs.

Several months ago, the Soviets attempted to dupe the Sakharovs' family living in the West with a forged letter. That ill-fated exercise was a dismal failure. That the Soviets would attempt to ban or alter the Sakharov's mail is not only disturbing, but it leads to other more urgent questions about their well-being and safety. Reports reaching the West earlier this month have raised the possibility that the Sakharovs may have been moved to another location in Gorky, as yet undetermined.

Such treatment of Soviet citizens is abominable, and it is vitally important for those of us in the West to loudly protest such intolerable acts and abuses of human rights. The Sakharovs are not an isolated case by any means, and until the rights of Soviet political prisoners and dissidents are fully restored, we will continue to keep the pressure on the Kremlin. We must never relent in the battle to protect human rights and freedoms, and the Soviet authorities should be made

aware that we in Congress will continue to monitor their observance of international agreements, such as the Helsinki accords. We must do this in the hope that someday the Sakharovs and all those who suffer persecution and repression under Soviet rule will one day know the true meaning of freedom.●

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the subject of this particular special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

A TRIBUTE TO LEE VERSTANDIG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. SNYDER] is recognized for 60 minutes.

● Mr. SNYDER. Mr. Speaker, the Department of Housing and Urban Development may soon avail itself of the services of one of this administration's most able and experienced public servants.

Lee L. Verstandig, most recently Assistant to the President for Intergovernmental Affairs, has been nominated by President Reagan to the post of Under Secretary of the Department of Housing and Urban Development. I commend the President on his selection to fill this post and on his continued utilization of Lee Verstandig in positions of importance in his administration.

Few have a track record in Government as enviable as that compiled by Lee. Before taking over as the White House's liaison to local government on June 1, 1983, he served as Assistant Secretary for Governmental Affairs at the Department of Transportation from 1981 to 1983, and as Acting Administrator of the Environmental Protection Agency for a 3-month period in early 1983.

I have had the opportunity to work closely with Lee over the past 5 years, especially during the period in which he served so ably under Transportation Secretary Drew Lewis. The highly successful tenure of Secretary Lewis was due in no small measure to the effectiveness of Lee Verstandig. He knew how to get things done on Capitol Hill, and no task was too difficult for him, and no legislative logjam too formidable.

Over the course of his service with the Department of Transportation, he was an active participant in the development of the landmark Surface Transportation Act of 1982; the 1981 Airport and Airway Development Act; the 1982 Bus Regulatory Reform Act; and the 1982 Shipping Act, better known as the marine regulatory reform bill.

Considering the special abilities of Lee Verstandig and the manner in which he demonstrated those abilities at DOT, it was understandable that the President would look to him for help in reorganizing and stabilizing the troubled Environmental Protection Agency during turbulent periods surrounding the departure of Administrator Anne Burford.

Once again, Lee was equal to the difficult task of getting the Agency back on its feet during the transition period before the arrival of Bill Ruckelshaus as the new Administrator.

During his career of impressive public service, Lee Verstandig has earned the respect of those in the Federal Government, both in the executive and legislative branches, as well as those in various interest groups and in State and local government.

It has been a pleasure to have worked with Lee, and I am supremely confident that as Under Secretary of the Department of Housing and Urban Development, he will continue to be an asset to this administration and an outstanding spokesman for its programs. I hope and believe that the Senate, charged with his confirmation, will feel likewise.●

● Mr. SHUSTER. Mr. Speaker, President Reagan has selected Lee L. Verstandig to be Under Secretary of the Department of Housing and Urban Development. The President could not have made a better choice.

I worked very closely with Lee when he served as Assistant Secretary of Governmental Affairs at the Department of Transportation from January 1981 to the spring of 1983.

In the just over 2 years that Lee held that position, he and I cooperated on crucial national legislation, including the landmark Surface Transportation Assistance Act and the Northeast Rail Services Act.

Naturally, passage of these bills did not occur without a fair amount of controversy and tension, yet Lee ably represented the admininstration with cool and calm demeanor. Moreover, he demonstrated a great respect for the legislative branch of Government which, as my colleagues know, many administration officials of any administration lack.

Certainly, few people envied Lee when he was selected to serve as Acting Administrator of the Environmental Protection Agency following Ann Burford's departure. Yet, Lee succeeded where others would have failed: Shortly after his arrival, EPA disappeared from the front page headlines.

Lee has developed some strong ties to my own State of Pennsylvania. While at the Department of Transportation, he worked under Pennsylvanian Drew Lewis and helped Lewis develop a reputation as one of the best Secretaries of Transportation in recent times. Lee has also developed excellent relationships with my colleagues in the Pennsylvania congressional delegation and with State officials in Harrisburg.

And on a more personal side, Lee went to college at Franklin and Marshall University and married a woman from close to my own hometown near Pittsburgh. Thus, one must also conclude that Lee has good taste in his associates.

Lee's intelligence, personality, and great sense of professionalism will allow him to shine at HUD. I only regret that he will be working on housing issues and not the transportation issues with which I am generally involved. Nonetheless, I wish Lee the very best in his new role of Under Secretary of the Department of Housing and Urban Development.●

● Mr. WORTLEY. Mr. Speaker, I have known Lee Verstandig for only the past few years, but in that short time I have come to be one of his most ardent admirers.

Whenever President Reagan needed a tough job handled he gave it to Lee. Whenever a delicate problem had to be handled he gave it to Lee. Whenever it was time to build a consensus he called on Lee.

Lee has distinguished himself on Capitol Hill as administrative assistant to Senator JOHN CHAFEE, after an outstanding career in academia. He left the Hill to go to work at the Department of Transportation for that outstanding public servant, Secretary Drew Lewis, where he was in charge of Intergovernmental and Legislative Affairs.

Soon after that the President called on Lee to take over the troubled Environmental Protection Agency after the turbulent stewardship of his predecessor. Lee brought a calmness and steadiness there so that the EPA could resume its appointed tasks. He kept a firm hand on the EPA until William Ruckelshaus took over.

Later the President brought him to the White House to handle the oftendelicate task of handling the affairs of State and local officials in their relationship with the Federal Government. He was the President's unofficial ambassador to that group and he handled it with acumen.

Now the President has turned to Mr. Verstandig again in asking him to serve as the Under Secretary at HUD. Secretary Sam Pierce could not have found a better person.

I look forward to working with him on the Banking, Housing and Urban Affairs Committee. He will be an outstanding addition to the HUD management team.●

● Mr. MOLINARI. Mr. Speaker, I take this opportunity to congratulate

the President on his nomination of Lee L. Verstandig to be the new Under Secretary of Housing and Urban Development. He could not have made a better choice.

Lee Verstandig is one of those rare public servants who can move into any arena of Government and make a difference. His track record amply demonstrates that fact. I have no doubt whatsoever that he will make a difference at HUD as well.

I well remember the difficult days that the Environmental Protection Agency faced with public confidence in that shaken Agency and the morale of its workers at a low ebb. It is a little known fact that Mr. Verstandig was requested by President Ronald Reagan personally to assume the role of restructuring the EPA after Anne Burford resigned as Administrator.

In that restructuring process, he consulted many Members of Congress, including myself. The results are rather obvious. Morale at the Agency skyrocketed. Many top level personnel were replaced with individuals that have more credibility. Even the most severe critics have acknowledged that the Agency is doing a much better job now than before that extremely unfortunate episode. It is remarkable that he turned the Agency around so quickly.

Lee had demonstrated the same degree of competence when he served as the Assistant Secretary for Governmental Affairs for the Department of Transportation. He was part of the team headed by then-Secretary Drew Lewis. Again that Department received many plaudits for the way the PATCO strike was addressed and the smooth functioning of the Department, particularly in it's relationship with Congress.

In 1983, the President approached Lee and asked him to take on another important and demanding job, that of Assistant to the President for Intergovernmental Affairs. Again, he effectively showed his ability to communicate with those outside the administration. He worked with local governmental leaders, regardless of political affiliation, and very effectively represented the views of the administration on such important administration priorities as enterprise zone initiatives, line item veto authority, and the balanced budget amendment.

I have heard the same views concerning Lee's qualifications expressed by many of my colleagues. He is a rare public servant who invites a heavy work load by his williingness to respond to congressional concerns. I look forward to continuing to work with Lee Verstandig in his new and challenging role. HUD will benefit immensely by his presence. Reflecting the same ability as he has demonstrated in the past, I truly believe that HUD will be even more responsive and effective with Lee on board.

I know that Lee will serve with dedication and will continue to show that he is one of the most effective members of the administration's team.●

● Mr. HOWARD. Mr. Speaker, the quality of this administration continues to be enhanced by the presence of Lee L. Verstandig, who will shortly add to his long list of accomplishments by being named Under Secretary of the Department of Housing and Urban Development.

I am not surprised that President Reagan continues to avail himself of the services and good counsel of Lee Verstandig. He has demonstrated time and again his knowledge and expertise and his effectiveness as both an administrator and communicator. Throughout his extensive contact with Congress, he enjoyed and continues to enjoy the highest respect of Members in both parties.

I well recall the closeness with which he worked with members of the Committee on Public Works and Transportation during his tenure as Assistant Secretary for Governmental Affairs at the Department of Transportation.

During his 2 years in that post, serving under Secretary Drew Lewis, Lee provided substantial input into the passage of the 1982 Surface Transportation Assistance Act. It was a somewhat chaotic period during the fading hours of a lameduck session, and the efforts of Lee Verstandig had a great deal to do with our success in getting that vitally important legislation through Congress and enacted into law.

He contributed as well to the development of legislation deregulating the intercity bus industry and passage of the 1981 Airport and Airway Development Act.

His contributions to the development of sound transportation policy and to the generally smooth administration of the Department were obviously not lost on the President. Lee was soon temporarily dispatched to the troubled Environmental Protection Agency as Acting Assistant Administrator for Legislation.

With the departure of Administrator Anne M. Burford, Lee moved into the post as Acting EPA Administrator. He soon helped bring badly needed stability to the agency preparatory to the arrival of the Agency's new Administrator, William Ruckelshaus.

His work done there, Lee moved to the White House on June 1, 1983, as Assistant to the President for Intergovernmental Affairs. It was a job well suited for Lee Verstandig, and he quickly put his considerable energies and talents to work fostering among the Federal departments and agencies a greater sensitivity to the needs of those who work in state and local governments. He has once again proven to be an eloquent spokesman for the policies of the Reagan administration.

He also currently serves on the President's Advisory Commission on Intergovernmental Relations, as an ad hoc member of the U.S. Treasury Department's study group on revenue sharing, and on the White House Puerto Rican Task Force.

Now, Lee Verstandig is needed at the Department of Housing and Urban Development, and certainly that agency will be the richer for is assignment there.

If I were to pinpoint the reason for the amazingly successful career of Lee Verstandig, I might, as a former educator myself, conclude that it is traceable to his roots in the academic community where he spent some 17 years before beginning a career in Government service. He was first a professor of history and political science and department chairman at Roger Williams College, and then the associate dean of academic affairs at Brown University in Providence, RI.

Whatever the source of his strength, he has been enormously successful in both academia and public service.

I personally wish Lee every success in his new endeavor at HUD and am confident that he will achieve just that.●

● Mr. MICHEL. Mr. Speaker, there are few areas of our public life as important as housing and urban development. The sense of community and family that is at the heart of President Reagan's philosophy is closely connected with the quality of life in neighborhoods all over America.

I am therefore glad that Lee L. Verstandig has been nominated by President Reagan to be Under Secretary of the Department of Housing and Urban Development. Lee will bring to this task a breadth and depth of Government experience. Equally important, he will get the opportunity to put into practice his philosophy of concern for community, neighborhood and family values.

Most recently, Lee has been Assistant to the President for Intergovrnmental Affairs. Previously he was Assistant Secretary for Governmental Affairs at the Department of Transportation and Acting Administrator of the Environmental Protection Agency in 1983.

Lee not only has practical experience in making Government work for people, but also possesses an enviable record as a scholar and teacher of history and political science. I mention this because he will come to the tasks at HUD with the kind of intellectual as well as on-the-job experience that prepares him to deal with the large concepts as well as the day-to-day specific problems involved in helping Americans to develop, preserve and en-

hance their homes and their communities. I join with all of those who know Lee in congratulating him on his new responsibilities.●

● Mr. ANDERSON. Mr. Speaker, one of the most respected members of the Reagan administration will soon be moving into a new job, that of Under Secretary of the Department of Housing and Urban Development.

Lee L. Verstandig, currently the President's chief adviser on matters concerning State and local government, is expected to assume the HUD post after 2 years of service to the administration as Assistant to the President for Intergovernmental Affairs.

President Reagan's nomination of Lee Verstandig and his expected Senate confirmation will bring to that agency an experienced and highly effective public servant, with a record of legislative and administrative expertise of few equals.

I was particularly impressed with his liaison work with the Congress in the development of Federal transportation policy and important transportation legislation during his tenure as Assistant Secretary for Governmental Affairs at the Department of Transportation.

Because of his outstanding job in representing the administration in that capacity, he earned the respect and praise of Members of the Congress on both sides of the aisle, as well as the many concerned public interest organizations and representatives of State and local governments.

Prior to his service with then-Secretary of Transportation Drew Lewis, Lee had served as Senator JOHN CHAFEE'S administrative assistant, a position he had taken following 17 years as a college professor and associate dean.

His tenure with DOT ended when the President temporarily detailed Lee to the Environmental Protection Agency, which desperately needed what he had to offer. After joining the Agency as Acting Assistant Administrator for Legislation, he quickly assumed the duties as Acting Administrator of the Agency upon Anne Burford's resignation. He soon helped bring order out of chaos at the Agency, paving the way for the arrival of the new Administrator, Bill Ruckelshaus.

Lees Verstandig's record of success in all of the posts he has held speaks for itself. He will be a valuable addition to the administration of Secretary Samuel Pierce at the Department of Housing and Urban Development. I wish him the very best in his important new assignment.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, the appointment of Lee L. Verstandig to the job of Deputy Under Secretary of the Department of Housing and Urban Development will bring to that Agency one of the most effective public officials in this administration.

I know that the many colleagues of mine who have had the opportunity to work with Lee Verstandig share my enthusiasm at President Reagan's selection of Lee for the HUD post.

As a member of the Public Works and Transportation Committee, I am particularly familiar with the tremendous contribution made by Lee to major transportation legislation when he served so ably as Assistant Secretary for Governmental Affairs at the Department of Transportation from January 1981 until his detail to the Environmental Protection Agency in 1983.

The 1983 Surface Transportation Act, an extremely important piece of legislation containing the 5-cent gas tax, was passed under less than ideal circumstances, and Lee Verstandig, representing the administration and Transportation Secretary Drew Lewis, performed yeoman's service in helping all parties concerned reach an accommodation on the bill, thus enabling its passage and enactment into law.

He also provided valuable input into the effective response made by the Department to the national rail and PATCO strikes.

When called to service with the Environmental Protection Agency during the crisis that led to Administrator Anne Burford to resign, Lee again successfully applied his experience and expertise in both legislative and administrative activity and helped provide a calm transition to the new Administrator.

From the Environmental Protection Agency, Lee moved into the job of Assistant to the President for Intergovernmental Affairs. In that position, he has been extremely active in bringing the views of State and local governments to the highest levels in the administration. He has made himself personally available to State elected leaders and those they represent by going into their communities to discuss issues of mutual concern.

The Department of Housing and Urban Development can benefit greatly from an administrator with the breath of experience and proven competence of Lee Verstandig. I congratulate the President on his very perceptive choice in this matter. And I congratulate Lee on his appointment and wish him continued success in his new post.●

● Mr. MINETA. Mr. Speaker, today I have the pleasure of congratulating President Reagan on his superb choice of selecting Lee L. Verstandig to fill the job of Under Secretary of the Department of Housing and Urban Development.

Lee is an excellent choice for the job. He has served the President and the Nation well these past few years in a number of positions, including jobs with the Department of Transportation and the Environmental Protection Agency.

As someone who worked closely with Lee during his assignment as Assistant Secretary for Governmental Affairs at the Department of Transportation, I can say that much of what was accomplished at DOT during that time under the able leadership of Transportation Secretary Drew Lewis was due in part to Lee and his ability to work well with the Congress in getting things done. I enjoyed working with both of these professionals who believed that getting results was what counted.

The President must have had this in mind in February 1983, when he asked Lee to move to the troubled Environmental Protection Agency to act as Acting Assistant Administrator for Legislation, including responsibility for all external communications for the Agency. A month later, Lee was appointed Acting Administrator for the agency when Anne Burford resigned.

As Acting Administrator between the terms of Ms. Burford and William Ruckelshaus, Lee did a superb job of helping to rebuild an agency that had been badly mismanaged and demoralized.

Mr. Speaker, the President made an excellent choice in his selection of Lee for Under Secretary of HUD. I believe that Lee has the potential to make major contributions in Federal housing. His experience in dealing with State and local governments in his role as Assistant to the President for Intergovernmental Affairs will stand him in good stead as he works to improve our Nation's cities and communities.

I hope our congressional colleagues in the other body will recognize the abilities of Lee Verstandig and provide a speedy confirmation of his nomination.●

● Mr. SCHULZE. Mr. Speaker, it is a pleasure for me to bring to my colleagues attention the selection by President Reagan of Lee L. Verstandig to be the new Under Secretary of the Department of Housing and Urban Development.

Lee has been one of the bright stars in this administration for a long time, working effectively in several positions, including heading the Environmental Protection Agency during a critically important transition period.

The respect and admiration for this valuable public servant is bipartisan and widespread in the halls of Congress. In fact, Lee worked on Capitol Hill before going to the executive branch. For 4 years, from 1977 to 1981, he was administrative assistant and legislative director for Senator John Chafee.

Prior to that, he had been a college professor and administrator in Rhode Island for 17 years. I might also add, that Dr. Verstandig received his undergraduate degree from Franklin and Marshall College in my own Commonwealth of Pennsylvania.

In joining the Department of Housing and Urban Development, Lee will be leaving behind an outstanding White House record as Assistant to the President for Intergovernmental Affairs, where he has worked tirelessly and effectively to make the views of State and local elected officials felt in administration decisions on such issues as municipal antitrust legislation, the balanced Federal budget amendment, and others of special concern.

Prior to becoming the President's advisor on State and local governmental matters, Lee served briefly in 1983 at the Environmental Protection Agency both as Acting Assistant Administrator for Legislation and Acting Administrator, filling for 3 months the vacancy left by Administrator Anne Burford.

He had been temporarily detailed to EPA from the Department of Transportation, where he had served Under Secretary Drew Lewis as Assistant Secretary for Governmental Affairs since January 1981.

Throughout his extensive and varied career in Government, Lee Verstandig has left an impressive legacy. The Department of Housing and Uran Development is fortunate indeed that the President has chosen to give it one of his very best.●

● Mr. McCAIN. Mr. Speaker, I am honored to have this opportunity to praise the administration's very excellent selection of Lee L. Verstandig to serve as Under Secretary of the Department of Housing and Urban Development.

I commend the President on this selection, and on his continued reliance on Lee Verstandig for important positions in his administration. Few individuals have a record as enviable as that compiled by Lee. Before taking over as the White House Liaison to Local Government on June 1, 1983, he served as the Assistant Secretary for Governmental Affairs at the Department of Transportation from 1981 to 1983, and as Acting Administrator of the Environmental Protection Agency for a 3-month period in early 1983. I have had the pleasure of working with Lee since 1977, when he served as administrative assistant and legislative director for Senator JOHN CHAFEE.

During his impressive public career, Lee Verstandig has earned the respect of the executive and legislative branches of Government, as well as many interest groups and State and local governments.

It has been an honor and a pleasure to know and work with Lee, and I am very confident that as Under Secretary of the Department of Housing and Urban Development, he will continue to capably serve this country and be an outstanding spokesman for the Department and the administration. I hope and believe that the Senate, charged with his confirmation, will think likewise.●

● Mr. WYLIE. Mr. Speaker, May I congratulate Lee Verstandig on the honor he has received in being selected by President Reagan to head up the position of Under Secretary of the Department of Housing and Urban Development. President Reagan deserves congratulations for selecting a man with Lee Verstandig's credentials. I have been most impressed with Lee's enthusiasm for his new extremely important assignment. He succeeds Phil Abrams whose shoes will be hard to fill. I feel confident in discussions with him that Lee will be equal to the challenge as he has been to the many other important responsibilities he has been asked to undertake.

In my position on the Banking, Finance and Urban Affairs Committee, which has jurisdiction over all Federal housing programs, I feel certain he will provide the kind of leadership and support Secretary Pierce needs in performing his awesome responsibilities.

Lee has certainly earned his reputation for being able to assume difficult positions of responsibilities and doing them well. I look forward to working with Lee on formulative legislation recommendations on the Nation's housing needs.

Again, congratulations, Lee, we have every confidence in your ability to get the job done.●

● Mr. TAYLOR. Mr. Speaker, I commend the President for his selection of Lee L. Verstandig to be Under Secretary of the Department of Housing and Urban Development.

Since leaving the academic life for a career of public service, Lee has established an outstanding record, serving both in the legislative and executive branches.

Prior to his appointment as Assistant to the President for Intergovernmental Affairs, Lee served as Acting Administrator of the Environmental Protection Agency during the interim period between Anne Burford's departure and Bill Ruckelshaus' arrival. It was a critical period and one which required an individual with both the administrative skills and widespread respect enjoyed by Lee Verstandig.

Before he was detailed by President Reagan to EPA, Lee had been an important member of Transportation Secretary Drew Lewis' team. He served as Assistant Secretary for Governmental Affairs from January 1981 until the spring of 1983.

He directed the Department's activities in its relations with Congress, State and local governments, and public interest groups. During that period he was actively involved in the development and passage of the landmark Surface Transportation Assistant Act of 1983 and other important transportation legislation. He also served as a Member of the Board of Directors of Amtrak in 1982.

Lee had earlier worked on Capitol Hill as administrative assistant and legislative director for Senator JOHN CHAFEE of Rhode Island.

He is a native of Memphis, TN, and spent 17 years in the academic community before starting his career in Government. After his tenure as a professor of history and political science and department head at Roger Williams College from 1963 to 1970, Lee moved to Brown University, where he was associate dean of academic affairs from 1970 to 1977.

Today, Lee Verstandig serves not only as the President's chief advisor on State and local governmental matters, he also is a member of the President's Advisory Commission on Intergovernmental Relations, the White House Puerto Rican Task Force, and an ad hoc member of the U.S. Treasury Department's study group on revenue sharing.

This experienced and capable member of the Reagan administration will be a solid addition to the Department of Housing and Urban Development, and his selection reflects very highly on the President.●

● Mr. CLINGER. Mr. Speaker, the nomination of Lee L. Verstandig to be Under Secretary of the Department of Housing and Urban Development is easily one of President Reagan's finest selections.

The outstanding career of Lee Verstandig has taken him from the classrooms of Roger Williams College in Providence, RI, through both the legislative and executive branches of the Federal Government.

At each juncture along the way, he has left his mark in such a distinguished fashion that today, he is one of the most effective and trusted members of this administration.

My association with Lee during his service as Assistant Secretary for Governmental Affairs at the Department of Transportation gave me the opportunity to observe first-hand his grasp of the legislative system, his willingness to bridge any gap between administration and congressional legislative priorities, and his innate ability to master the most difficult tasks. He was able to articulate the message of this administration in the course of strengthening relations with Congress, State and local governments, and affected interest groups.

Lee utilized those qualities effectively at the Department of Transportation, and again when he served as Acting Assistant Administrator for

Legislation at the Environmental Protection Agency and as Acting EPA Administrator during the transition from departing Administrator Anne Burford to Bill Ruckelshaus.

Lee's most recent assignment as Assistant to the President for Intergovernmental Affairs, which he assumed on January 1, 1983, has enabled him to develop interaction between the White House and those in State and local government. He has actually met personally with State elected leaders and their constituents in their home communities.

As a consequence, he has been able to present the views of those State and local officials in the administration's decisionmaking process on a wide range of issues of mutual concern.

I know that Lee was well trained for the outstanding career he has compiled. Although he is a native of Memphis, TN, he was educated at a fine Pennsylvania institution, Franklin and Marshall College in Lancaster, PA. He received his master's degree from the University of Tennessee and a Ph.D. from Brown University.

The Department of Housing and Urban Development is acquiring the services of an outstanding administrator in Lee Verstandig, and I wish him well in his new duties as Under Secretary.●

● Mr. LIVINGSTON. Mr. Speaker, it was with great pleasure and satisfaction that I learned that Lee L. Verstandig, formerly Assistant to the President for Inter-Governmental Affairs, has been nominated by the President to serve as Under Secretary for the Department of Housing and Urban Development. I was delighted to receive this news, for I believe quite strongly that Lee Verstandig possesses the finest talents and skills a man can bring to public service.

A former history and political science professor at Brown University, Mr. Verstandig has served this administration in admirable fashion, first as Assistant Secretary for Governmental Affairs at the Department of Transportation, and most recently as Assistant to the President for Inter-Governmental Affairs. As author, academic, politician, and public servant, Mr. Verstandig has trained and flourished in the fields of history, education, government and public administration, and he has prepared beyond comparison for his new responsibilities.

On a personal note, it has been my privilege to have known Lee and his lovely and multitalented wife, Toni, for the last few years. It is without reservation that I inform my colleagues that Lee Verstandig is as responsive a public servant as any we could find in Government. He is precise and expeditious, and I have no doubt that he will render the Secretary of Housing and Urban Development enormous service. I would hope that his appointment would be rapidly confirmed.●

● Mr. STANGELAND. Mr. Speaker, President Reagan had made an especially wise choice in his nomination of Lee L. Verstandig to be the next Under Secretary of the Department of Housing and Urban Development.

Lee is certainly no stranger to Capitol Hill. Not only did he actually serve here for some 4 years as administrative assistant and legislative director to Senator JOHN CHAFEE, he was constantly in touch with Members during his tenure as Assistant Secretary for Governmental Affairs at the Department of Transportation.

In that capacity, he demonstrated to those of us on the Public Works and Transportation Committee his knowledge of transportation policy and his ability to work with Congress, as well as State and local governments and public interest groups, toward a satisfactory resolution of issues and the development of sound legislation affecting our national transportation system.

During his service at DOT, he provided important input into a number of major pieces of legislation, including the 1982 Surface Transportation Assistance Act, which is having such far-ranging impact on highway and transit programs in this country.

His contributions to the successful administration of Secretary of Transportation Drew Lewis were substantial, and he strengthened the cooperative ties between Congress and the White House during his DOT service.

Recognizing Lee's administrative and legislative talents, President Reagan temporarily detailed Lee to the Environmental Protection Agency to help stabilize that beleaguered Agency. He served first as Acting Administrator for Legislation and soon thereafter, as Acting Administrator following the departure of Anne Burford. Thanks to Lee Verstandig, the transition was made far easier for the new Administrator, William Ruckelshaus.

From the EPA, Lee moved to the position of Assistant to the President for Inter-Governmental Affairs, where he has continued to demonstrate his penchant for hard work and effectively communicating administration policy. He has worked closely with Federal department heads and State and local governments, developing an interaction between both.

The Department of Housing and Urban Development is a huge agency, and one which no doubt offers substantial administrative challenges. In other words, it is tailor-made for the considerable talents of Lee Verstandig.●

● Mr. McDADE. Mr. Speaker, the Department of Housing and Urban Development, with the support of my colleagues in the Senate, will soon receive the services of one of the most able and valuable experienced public servant this administration has to offer. Lee Verstandig, a former history and political science professor at Brown University, and for the past several years public servant for the betterment of our country, has been nominated by President Reagan for the post of Under Secretary of the Department of Housing and Urban Development. I highly commend the President on his wise selection to fill this post; the latest in the President's continuous effort to utilize Lee Verstandig in positions of importance that make the best use of his wide variety of skills.

Lee has worked closely with the senior officials of many of our Federal departments and agencies. In 1983, Lee assumed the position of Assistant to the President for Inter-Governmental Affairs. In this capacity he became President Reagan's chief adviser on matters concerning State and local governments. Lee worked on outreach efforts that enabled him to better represent the views of the administration and the views of State and local elected officials in a mutual decisionmaking process on such issues as municipal antitrust legislation, Federal balanced budget amendment, urban enterprise zone initiatives, line item veto authority and the unitary taxation method.

On February 23, 1983, President Reagan temporarily placed Lee Verstandig in what was perhaps his most difficult challenge. The Environmental Protection Agency was undergoing a tremendous shakeup. The President asked Lee to go to EPA, from the Department of Transportation where he was Assistant Secretary of Government Affairs to become acting Assistant Administrator for Legislation. It was in this capacity that Lee was given the responsibility for all external communications of the Agency. Just 1 month later, on March 25, Lee was appointed Acting Administrator of the Agency upon Anne Burford's resignation. For that 3-month period until the confirmation of William Ruckelshaus as full-time Administrator, Lee began a slow and painful task, that of putting a torn agency back together into a very useful and positive form.

Lee has had an impressive career in public service. He has earned the respect of those in the Federal Government, both in the executive and legislative branches, as well as those in various interest groups and in State and local governments. I am supremely confident in Lee's ability to help move the Department of Housing and Urban Development forward as he has in the other agencies that he has worked for.

In addition to his other responsibilities, Lee is an appointee to the President's Advisory Commission on Intergovernmental Relations, the White

House Puerto Rican Task Force, and is an ad hoc member of the U.S. Treasury Department's study group on revenue sharing. He even previously sat on the Amtrak Board of Directors.

Lee's service did not start just with the administration. His political involvement in national Republican campaigns goes back to the days of Barry Goldwater's candidacy in 1964. Lee, who had always been active in Rhode Island politics, was the administrative assistant and legislative director of my friend Senator JOHN CHAFEE. Before that, he spent 17 years in the education community where he has authored a number of books and articles in the areas of government history, education, and public administration.

It is always a pleasure to work with someone able and competent. It is even a greater pleasure to see such an individual given a position of responsibility where he is an asset to the administration and the cause of good government. I hope and believe that my friends and colleagues in the Senate charged with this confirmation will feel likewise.●

FREE TRADE/FAIR TRADE: MYTHS THAT NEED DEBUNKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, for nearly a decade now, the Congressional Steel Caucus and other groups representing industries that have been driven to the wall by an explosion of goods shipped into this country from foreign nations have tried to awaken our colleagues, various administrations, and the American people to the threat to our way of life.

And, today, nearly 10 years later, while we still face the danger of industrial extinction, we find ourselves divided into two camps—the free traders and the fair traders.

Well, Mr. Speaker, I stand here to tell this body that there is no such thing as free trade and that there is little chance that we can ever achieve any semblance of fair trade.

Both are myths. I am sure we have all heard the expression, "there is no free lunch." Well, just as there is no free lunch, neither is there any free trade. If another nation ships goods to the United States that our industries don't manufacture and sell here, that's not a problem. If American capacity isn't adequate to meet domestic needs and that gap is filled by goods from abroad, that, too, is all right.

But when other nations see America as an open door for all of their excess production, whether it be steel, cars, shoes, textiles, coal, electronics, and so on, down the line of threatened and extinct industries, then it does become a problem and that's when free trade isn't free any more.

It costs us dearly. It costs us because we lose the capacity to increase production. It costs us because American workers lose their jobs and then have to depend on public assistance to make ends meet until—if they are especially lucky—they can find another job or get specialized training for jobs in some other field.

It costs us because American cities, towns, boroughs, townships, and counties lose the tax revenues they desperately need to provide the important services needed even more when a company closes its doors.

There is no such thing as free trade. Consumer groups claim that America's open door policy is good because American buyers can obtain goods at lower prices. That's fine, but if Americans are out of work, they don't have the money to buy any goods, whether domestic or imported.

The free traders are telling us that as a "national policy" industries elsewhere around the world, especially in developing nations that need funds to repay big loans, are more important than our own businesses and industries.

The free traders are living in the past, a time when nations supposedly traded that which they could produce more cheaply and more efficiently than any other nation.

That system doesn't exist any more. Yes; it is true that some of the developing nations are more competitive than we are because their plants and mills are newer and more efficient and their workers produce more for less in wages.

Is it a crime for America to say no to accepting their products because our industries are older and our workers have achieved a higher wage and better standard of living? Are we supposed to just junk all of that?

Where do we draw the line? When do we say enough is enough? At what point in time will we recognize that this so-called ideal of free trade really isn't free?

In 1982, 525,000 jobs were created in this country by foreign trade. Not bad, the free traders are likely to say. But, before you jump for joy, here's the other side of the coin. In 1982, just over 1.1 million jobs were destroyed because of foreign trade.

Overall, the net loss for 1982 was 584,000 jobs. More than a half million jobs down the tubes. But that's not all. Those workers also have families so the real number of people affected by those job losses could be considerably higher, as much as double.

What's more, 1982, by comparison to import levels in 1983 and 1984, wasn't even a big year.

Just look at the steel industry. In 1975, 457,000 people were employed. In 1984, that number had been cut to 236,000. In recent weeks, other events have occurred which will reduce those numbers even more. Wheeling-Pittsburgh Steel has filed for bankruptcy under chapter 11. Sharon Steel is in trouble. LTV Steel is regrouping its steel operations into three separate profit centers and laying off 1,300 workers by closing its Aliquippa works.

And just last week, National Steel, which gained some notoriety about a year ago when it was partially acquired by a Japanese partner, Nippon Kokan, announced it would be trimming its work force by as much as 20 percent over the next 3 years as part of a cost-cutting strategy. In simple terms, that means that as many as 2,500 salaried and hourly jobs, of the 12,500 employees, will have disappeared by 1988.

So don't tell me about "free" trade. There is no such thing. And we had better not forget that if we give a piece of the American market, in steel or any other kind of goods or commodities, it will cost us.

Now we come to fair trade. I have been and am a proponent of fair trading practices. But I have also come to the realization that it is a goal that will be difficult, at best, to achieve.

The problem is that we really don't have any club to hang over the head of a nation that is unfairly trading its goods. And, even if we did have the club, it's most unlikely that it would be used.

Let me give an idea of what I mean. And, since I am most familiar with steel, I'll use that as my example.

Every country in the world, or at least it seems so, feels it must have a steel industry in order to be recognized as a nation of substance. It doesn't necessarily mean that country needs a steel plant or steel industry, only that it feels it must have one.

Coupled with that desire is the assistance from organizations such as the World Bank and the Export-Import Bank which then lend the funds to this nation to build the industry. Now that in itself wouldn't be so bad if it wasn't for two facts. First, that most of the money being lent comes from the United States. So, in effect, we are providing funds to some nation to build an industry that in a very short period of time will be competing with our own industry. And, second, the money is lent to a foreign government, not private industry, so we know it is a government-owned or supported steel program.

But, getting back to our original scenario, country "A" develops its steel industry. During the early stages of the development, the country puts severe restrictions on steel imports, arguing that its domestic industry needs time to bloom and that its production will be used solely for its domestic needs.

Right away, there's an impact. An export market is shut off to other steelmakers, including those from the United States. That means that countries producing excess steel strictly for export have to find another market.

And where do they look? Right here at the good old United States of America. Because of our open door policy, the steel comes pouring in.

Now let's return to country "A" which has just started its steel industry. As it builds its level of capacity, it finds it is making more steel and steel products than could ever be used in its own market. The country also realizes that in order to pay off the loans, it has to begin exporting as a means of reducing debt.

So, the country leaders start thinking, we're making more steel than we need, let's export steel. We don't have to make a profit on it, because anything we clear will be to our benefit. Besides, our labor costs are so much cheaper, we can ship our excess steel to the United States and, even with the shipping costs, we can undercut the price of American steel.

Of course, in the meantime, we have to protect our steel industry and other ones as well, because otherwise we'll never reach the standard of living we want. Therefore, we'll continue quotas, tariffs, and the hidden barriers we need to keep the goods from other countries out. Besides, even if some American goods come in, they'll be too expensive for our people and those goods won't be in tune with our cultural traits and patterns.

I know that some of you listening to this scenario think it's a joke, a fantasy. I only wish it were.

Some 59 nations in the world today manufacture steel and a few others take raw steel and fabricate it into other products. In 1983, 24 nations exported steel to the United States. Not too bad. 1983 was a bad year for imports, reaching a market penetration level of 20.5 percent.

Last year, 1984, 66 nations exported steel and/or steel products to the United States and by year's end the import penetration of the U.S. market was 26.4 percent and there were a couple of months when the penetration level surpassed the 30 percent mark.

And that's just steel. Import shares of the textile market are growing rapidly! And in the shoe industry, imports account for nearly 70 percent of the domestic market.

So, my friends, just as there is no free trade, there is no fair trade either. Those nations that export steel to us and close off their markets to American goods genuinely believe that their markets are open to our goods.

And, even if they did open their markets totally, I don't believe it would make a material difference in America's trade imbalance. We're just not going to be able to sell enough beef, citrus, and other farm products to balance out the levels of imports in steel, automobiles, coal, and other goods that carry much bigger values.

So at the same time these countries, such as country "A" that I created, are subsidizing their industrial development, even to the point of national ownership, they are also dumping their products here at below cost prices.

These below cost and subsidized goods are too attractive for American consumers, whether individuals or businesses, to pass up and the end result is that American manufacturers lose another share of these own domestic market, lose the capacity to produce, and lose workers.

This, naturally, opens the door for more imported goods and so on, more capacity shut down and jobs lost and more imports to take up the slack.

Believe me, it's a vicious circle and a never-ending one and, if nothing else, it proves the point that what does around, comes around.

So, if we really want to be honest with ourselves, we'll all admit that there is neither free trade nor fair trade. All we have to do is read the papers, listen, and watch radio, and television news to know that we have a serious problem.

And this problem truly needs our attention. It's just not going to go away by itself. We have to act! We have to determine our own fate.

Thus far, the present administration, like so many others before it, isn't willing to take the drastic, but necessary, steps we should be taking.

You know what I'm talking about—real, hard quotas.

We had an opportunity last year to pass the Fair Trade In Steel Act which would have set a 15 percent quota on steel products. The International Trade Commission found that imported steel was causing severe damage to the steel industry and recommended to the administration that quotas and tariffs were an answer.

Well, we all know what the administration came up with—voluntary restraint agreements. We were going to be nice and ask those countries that have poured steel into ours at increasing rates to sit down and hammer out agreements that would allow them to share a portion of our market.

The share of the American market we are giving away, according to administration hopes, will be about 18½ percent. In reality, it's likely to be somewhat larger, probably closer to 22 or 23 percent. So far, the penetration level has dropped for each month of this year—30.9 percent in January; 27.1 percent in February; 24.5 percent in March; and 23.2 percent in April. But, even with decreasing percentages, for the first 4 months of 1985, steel imports captured 26.5 percent of the American market—a far cry from the administration's projections.

Well, the people at the U.S. Trade Representative's Office are developing those agreements. Right now, 11 agreements have been signed, three more are close to being signed and others are being negotiated.

I'm not overly satisfied with the process. I believe that in the long run, it is not going to work out as successfully as many believe. I hope the agreements work, but I have my doubts.

I still believe quotas are the way to go. Not voluntary agreements, just hard and fast quotas.

I believe the ITC has come up with a novel twist on quotas that could resolve a lot of concerns. In its decision last week to recommend quotas on shoe imports, the ITC suggested that quotas on different kinds of shoes should be set and then sold to the highest bidder.

In other words, the exporting countries would be bidding against each other for a specific share of a guaranteed market in the United States.

The money earned would go a long way toward reducing the trade deficit as well as our budget deficit as it is expected that such a plan would bring in several hundred million dollars a year for the U.S. Treasury.

Those dollars, in addition, could be a big help in providing job retraining for the 13,000 men and women who lost the shoe industry jobs just last year.

Imagine the financial resources if the same were done for steel, automobiles, coal, textiles, electronics, and anything else.

No hard-to-develop formulas, such as trigger price mechanisms, duties, or hidden barriers. No fooling around with long, drawn-out negotiations. And much less of a problem in controlling the flow of imports. If a country violates the import share it won through the bidding process, it forfeits its share for the year and the other successful bidders can rebid to pick up the balance.

It seems to be a simpler approach. For certain, it is a surer approach. And I would advise the President and his advisers to give it considerable thought.

Given this administration's thinking on trade, though, I am afraid this recommendation by the ITC will go the same way as the ITC recommendation on steel last summer.

This administration still believes in free trade, something that no longer exists, if it ever did. We, the American people, especially those whose jobs have been lost forever because of increasing imports, know that there is no free lunch and there is no free trade.

It's time to end the charade, It's time to take charge of our destiny.

In the Book of Five Rings, Mi Ya Moto Musashi, a samurai who lived in the late 1500's and early 1600's, suggests that in a battle or individual combat, it is always best to let your opponent commit himself to a tactic before counterattacking.

Well, we have let our opponents commit themselves. They are committed to winning the lion's share of the American market in as many products as they can.

Up to now, we have not taken action except in rare cases and with tactics that must amuse our opponents.

Now is the time to change that. Accepting that free trade and fair trade are myths, we should be in a better position to decide on our tactics and to implement them successfully on behalf of the American people.

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HIJACKING OF FLIGHT 847

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. McKINNEY] is recognized for 10 minutes.

Mr. McKINNEY. Mr. Speaker, the odyssey of TWA Flight 847 has left this Congressman utterly frustrated and outraged. Who would have thought that a routine flight in Western Europe would turn out to be a first class seat to Beirut's current state of anarchy? The United States, the world's most powerful democracy, should not be vulnerable to such terrorism. Yet airport security shortcomings in Athens, of which our Government was fully aware, have led us to another sensitive situation wherein American lives are jeopardized because of uncontrolled tensions in the Mideast. And in its potential for international conflict, this most recent act of terrorism ranks high.

While we cannot rewrite history, we can work to ensure that terrorists will not board our airplanes with lethal weapons. To do this, we must put into place a travel suspension mechanism to ensure that airports around the world are operated with the utmost attention to passenger safety. Today I am introducing legislation, the Anti-Hijacking Amendments Act of 1985, designed to show other nations we will not tolerate inadequate security measures.

My legislation includes the following provisions:

One, upon the hijacking of an American plane, the Secretary of the Department of Transportation [DOT] would be directed to immediately suspend all U.S. airlines from landing in the nation from which the hijacked plane departed, and direct travel from said nation to U.S. airports would be halted;

Two, if within 48 hours the nation in question has not taken steps to tighten security at the airport where the incident occurred, the DOT Secretary, in consultation with the Secretary of State, would prohibit all foreign commercial airlines, which have stops in said nation, from landing in the United States; and

Three, once the airport where the hijacking occurred is adequately secured against any future hijacking attempts, the DOT Secretary may rescind the above restrictions.

In addition, existing mechanisms within DOT's Office of Civil Aviation Security that review foreign airports and advise foreign authorities of the effectiveness of their security operations would be strengthened as follows:

First, if a foreign nation's airports do not meet our security standards to the satisfaction of the DOT Secretary within 30 days after being warned of security violations, the DOT Secretary would have full power to suspend U.S. carrier travel to and from that nation's airports and to impose restrictions on the operations of the nation's air carriers.

Second, when advised by the Office of Civil Aviation Security of such uncorrected security violations, the DOT Secretary must report within 15 days to the appropriate House and Senate committees all actions taken to remedy the situation.

Some may call this approach draconian. However, war in the Middle East or any other region of the world would be vastly more draconian. Passage of such a measure would be a significant step toward curbing terrorism which exploits lax security, by assuring that nations whose airports are inadequately secured would cease to reap the benefits of American dollars. I urge my colleagues to join me in this much-needed reform of our overly tolerant policies toward nations that allow tragedies such as TWA Flight 847 to occur.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STRANG (at the request of Mr. MICHEL), for today, after 2 p.m., on account of knee injury.

Mrs. BENTLEY (at the request of Mr. MICHEL), for today, on account of attendance at a funeral.

Mr. KLECZKA (at the request of Mr. WRIGHT), for today, until 5 p.m., on account of a death in the family.

Mr. SOLOMON (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COBEY) to revise and extend their remarks and include extraneous material:)

Mr. SNYDER, for 60 minutes, today.

Mr. MADIGAN, for 5 minutes, today.

Mr. MCKINNEY, for 10 minutes, today.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. PEASE, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, June 19.

Mr. GONZALEZ, for 60 minutes, June 20.

Mr. BUSTAMANTE, for 10 minutes, June 19.

Mr. PEASE, for 5 minutes, June 19.

Mr. DORGAN of North Dakota, for 60 minutes, June 21.

Mr. FRANK, for 60 minutes, June 20.

Mr. GEPHARDT, for 60 minutes, June 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SEIBERLING, and to include extraneous material, during debate on H.R. 1872, Defense Authorization Act for fiscal year 1986, in the Committee of the Whole, today.

(The following Members (at the request of Mr. COBEY) and to include extraneous matter:)

Mr. COURTER.

Mr. MCCAIN in two instances.

Mr. SENSENBRENNER.

Mr. WORTLEY in five instances.

Mr. YOUNG of Florida.

Mr. DAUB in two instances.

Mr. GOODLING.

Mr. HYDE in two instances.

Mr. KOLBE in three instances.

Mr. RITTER in two instances.

Mr. DAVIS.

Mr. BROOMFIELD.

Mr. KEMP in two instances.

Mr. SHUSTER.

Mr. MOLINARI.

Mr. ROGERS.

Mr. GILMAN in two instances.

Mr. GALLO.

Mr. GUNDERSON.

Mrs. MARTIN of Illinois.

Mr. HAMMERSCHMIDT.

Mr. MCCOLLUM.

Mr. CHENEY.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. WAXMAN.

Mr. LEHMAN of Florida.

Mr. BEDELL.

Mr. UDALL.

Mr. EDWARDS of California in two instances.
Mr. LEVINE of California.
Mr. YATRON.
Mr. VENTO in two instances.
Mr. LAFALCE.
Mr. FORD of Michigan.
Mr. LELAND.
Ms. MIKULSKI.
Ms. OAKAR.
Mr. HUBBARD.
Mr. BONER of Tennessee in two instances.
Mr. WISE.
Mr. CLAY.
Mr. SMITH of Florida.
Mr. SYNAR.
Mr. LUNDINE.
Mr. FLORIO.
Mr. ROSTENKOWSKI.
Mr. BERMAN.
Mr. SCHUMER.
Mr. SCHEUER.
Mr. HAYES in two instances.
Mr. MINETA.
Mr. MILLER of California.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 211. Joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 14 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 19, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1525. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the annual report of operations, pursuant to the act of September 21, 1950, chapter 967, section 2(17(a)); to the Committee on Banking, Finance and Urban Affairs.

1526. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-46, "Closing of a Public Alley in Square 432, S.O. 84-140, Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1527. A letter from the Secretary of Education, transmitting notice of proposed annual funding priority for innovative programs for severely handicapped children, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1528. A letter from the Secretary of Education, transmitting a report on final regulations in connection with administration of education programs, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

1529. A letter from the Secretary of Energy, transmitting a report on retail gas utility rates, pursuant to Public Law 95-617, section 309(b); to the Committee on Energy and Commerce.

1530. A letter from the Secretary of Health and Human Services, transmitting the fourth annual report on activities of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, pursuant to PHSA, section 434(e) (88 Stat. 2224; 94 Stat. 3185); to the Committee on Energy and Commerce.

1531. A letter from the Chairman, Federal Trade Commission, transmitting a report on current practices and methods of cigarette advertising and promotion, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

1532. A letter from the Comptroller, Department of State, transmitting a report on the obligation of funds for international narcotics control, pursuant to 22 U.S.C. 2291(b)(1); to the Committee on Foreign Affairs.

1533. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the International Tropical Timber Agreement, 1983, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1534. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on human rights in countries receiving security assistance, pursuant to 22 U.S.C. 2304(b); to the Committee on Foreign Affairs.

1535. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions for Richard R. Burt to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1536. A letter from the Acting Assistant Secretary of Health, Department of Health and Human Services, transmitting a report on an altered system of records in the St. Elizabeths Hospital financial system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1537. A letter from the Chairman, Navajo Hopi Indian Relocation Commission, transmitting the ninth annual report of the commission, pursuant to Public Law 95-531, section 12(1) (94 Stat. 932); to the Committee on Interior and Insular Affairs.

1538. A letter from the Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting corrections to the executive communication about the use of funds to extend the Easter Island runway (EC1345), pursuant to Public Law 98-361, section 103; to the Committee on Science and Technology.

1539. A letter from the Secretary of the Interior, transmitting a report about consolidating land ownership in the Cook Inlet region, pursuant to Public Law 97-468, section 606(d)(5); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1540. A letter from the Comptroller General of the United States, transmitting a report entitled: "Effects of the 1980 Multiemployer Pension Plan Amendments Act Plan Participants' Benefits" (GAO/HRD-85-58); jointly, to the Committees on Government Operations, Education and Labor, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 201. Resolution providing for the consideration of H.R. 1383, a bill to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes. (Rept. No. 99-173). Referred to the House Calendar.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 2707. A bill to authorize certain interstate acquisitions of depository institutions; with an amendment (Rept. No. 99-174). Referred to the Committee of the Whole House on the state of the Union.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 20. A bill to amend the definition of a bank for purposes of the Bank Holding Company Act of 1956; with amendments (Rept. No. 99-175). Referred to the Committee of the Whole House on the state of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. DELLUMS: Committee on the District of Columbia. H.R. 2776. A bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia; referred to the Committee on Interior and Insular Affairs for a period ending not later than June 19, 1985, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(l), Rule X (Rept. No. 99-176, pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLORIO (for himself, Mr. RICHARDSON, Ms. MIKULSKI, and Mr. SIKORSKI):

H.R. 2780. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; divided and referred as follows: Titles I and II, jointly, to the Committee on Energy and Commerce and the Committee on Public Works and Transportation; title III to the Committee on Energy and Commerce; and title IV to the Committee on Ways and Means.

By Mr. ANDERSON (for himself, Mr. ALEXANDER, and Mrs. SCHROEDER):

H.R. 2781. A bill to amend the Federal Aviation Act of 1958, relating to aircraft piracy, to provide a method for combating terrorism, and for other purposes; jointly, to the Committees on Foreign Affairs, the Judiciary, and Public Works and Transportation.

By Mr. GILMAN:

H.R. 2782. A bill to authorize assistance for famine prevention in Africa; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H.R. 2783. A bill to amend the Securities Exchange Act of 1934 to prohibit the trading on certain exchanges and markets of nonvoting shares and shares carrying disproportionate voting rights; to the Committee on Energy and Commerce.

By Mr. KASTENMEIER:

H.R. 2784. A bill to amend title 17, United States Code, to create a Copyright Royalty Court, and for other purposes; to the Committee on the Judiciary.

By Mr. ST GERMAIN (for himself and Mr. WYLIE) (by request):

H.R. 2785. A bill to combat money laundering; jointly, to the Committees on Banking, Finance and Urban Affairs and the Judiciary.

By Mr. ST GERMAIN (for himself, Mr. MCCOLLUM, Mr. WYLIE, Mr. FISH, Mr. LUNGREN, Mr. SHAW, Mr. GEKAS, Mr. WORTLEY, and Mr. MCKINNEY) (by request):

H.R. 2786. A bill to amend title 12, title 18, and title 31 of the United States Code relating to money laundering and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and the Judiciary.

By Mr. ADDABBO (for himself and Mr. MITCHELL):

H.R. 2787. A bill to extend through fiscal year 1988 SBA pilot programs under section 8 of the Small Business Act; to the Committee on Small Business.

By Mr. AKAKA (for himself and Mr. HEFTEL of Hawaii):

H.R. 2788. A bill to amend the Housing and Community Development Act of 1974 to permit the consideration of certain counties in the State of Hawaii for assistance under the Urban Development Action Grant Program; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. BYRON:

H.R. 2789. A bill to provide that the penalty tax under section 4945 of the Internal Revenue Code of 1954 shall not apply to certain organizations solely by reason of the failure to receive advance approval of procedures for making scholarship grants; to the Committee on Ways and Means.

By Mr. CHENEY (for himself, Mr. MARLENEE, Mr. STUMP, Mr. STRANG, Mrs. VUCANOVICH, Mr. LAGOMARSINO, Mr. SKEEN, Mr. ROBERT F. SMITH, Mr. CRAIG, Mr. COELHO, Mr. HANSEN, Mr. YOUNG of Alaska, Mr. MONSON, Mr. NIELSON of Utah, Mr. KOLBE, Mr. LUJAN, Mr. PASHAYAN, Mr. KRAMER, Mr. LOEFFLER, Mr. MCCAIN, Mr. DENNY SMITH, Mr. BROWN of Colorado, Mr. DE LUGO, Mr. ROBERTS, Mr. STANGELAND, and Mr. RUDD):

H.R. 2790. A bill to make permanent the formula for determining fees for the grazing of livestock on public lands; to the Committee on Interior and Insular Affairs.

By Mr. EDWARDS of California (for himself, Mr. MILLER of California, Mr. LEVINE of California, and Mr. COATS):

H.R. 2791. A bill to improve the enforcement of child abuse laws; jointly, to the Committees on Energy and Commerce, the Judiciary, and Education and Labor.

By Mr. KEMP:

H.R. 2792. A bill to amend titles II and XVIII of the Social Security Act to remove the operations of the Social Security trust funds from the unified budget of the United States, and to authorize the appointment of two additional trustees to the boards of trustees of such trust funds; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. LEHMAN of Florida (for himself and Mr. RANGEL):

H.R. 2793. A bill to amend the Internal Revenue Code of 1954 to modify the deduction for adoption expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. MCKINNEY:

H.R. 2794. A bill entitled: "The Anti-Hijacking Amendments Act of 1985"; to the Committee on Public Works and Transportation.

By Mr. MADIGAN (for himself, Mr. DE LA GARZA, Mr. COELHO, Mr. MARLENEE, Mr. SCHUETTE, Mr. ROBERT F. SMITH, Mr. DASCHLE, Mr. MORRISON of Washington, Mr. STALLINGS, Mr. STENHOLM, Mr. VOLKMER, Mr. COMBEST, Mr. CHAPPIE, Mr. EVANS of Iowa, Mr. OLIN, Mr. ROBERTS, Mr. LIGHTFOOT, and Mrs. MARTIN of Illinois):

H.R. 2795. A bill to provide for a study of the use of unleaded fuel in agricultural machinery, and for other purposes; jointly, to the Committees on Agriculture and Energy and Commerce.

By Mr. MINETA (for himself, Mr. HOWARD, Mr. SNYDER, Mr. HAMMERSCHMIDT, Mr. OBERSTAR, and Mr. GINGRICH):

H.R. 2796. A bill to improve security standards for international air transportation; to the Committee on Public Works and Transportation.

By Mr. MOLINARI (for himself and Mr. ROEMER):

H.R. 2797. A bill to amend title 18, United States Code, to create a new Federal criminal offense of treasonous espionage, consisting of the unauthorized disclosure of classified information detrimental to the national security for profit; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 2798. A bill to amend title 38, United States Code, to prohibit discrimination in employment because of the status of certain individuals as a member of a Reserve component of the Armed Forces or as a member of the National Guard; to the Committee on Veterans' Affairs.

By Mr. PARRIS.

H.R. 2799. A bill to amend the Federal Aviation Act of 1958 to require the suspension of air service between the United States and any foreign nation that does not implement aviation security measures equal to those in effect at domestic airports; to the Committee on Public Works and Transportation.

By Mr. SCHEUER (for himself, Mr. FUQUA, Mr. LUJAN, Mr. WALKER, Mr. NELSON of Florida, and Mrs. SCHNEIDER):

H.R. 2800. A bill to provide authorization of appropriations for activities under the Land Remote-Sensing Commercialization Act of 1984; to the Committee on Science and Technology.

By Mr. SUNDQUIST:

H.R. 2801. A bill to amend title 38, United States Code, for the purpose of establishing a discounted sales program of homes held by the Veterans' Administration for an extended period; to the Committee on Veterans' Affairs.

By Mr. TORRICELLI (for himself, Mr. FLORIO, Mr. SCHEUER, Mr. FUQUA, Mr. WIRTH, Mr. LUGAN, and Mrs. SCHNEIDER):

H.R. 2802. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to authorize a program of research, development and demonstration for innovative or experimental treatment technologies for use in remedial actions; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Science and Technology.

By Mr. WATKINS:

H.R. 2803. A bill to transfer the administration of certain conservation programs from the Farmers Home Administration to the Soil Conservation Service, to establish the Rural Development Administration within the Department of Agriculture, to transfer the administration of rural housing programs from the Farmers Home Administration to the Rural Development Administration, to provide that the Farmers Home Administration shall be known as the Farm Administration, and for other purposes; jointly, to the Committees on Agriculture and Banking, Finance and Urban Affairs.

By Mr. YOUNG of Florida:

H.R. 2804. A bill to amend section 700 of title 18, United States Code, relating to desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. FUQUA:

H.J. Res. 318. Joint resolution to designate July 20, 1985, as "Space Exploration Day"; to the Committee on Post Office and Civil Service.

By Mrs. COLLINS:

H. Res. 202. Resolution to commend the Society of Real Estate Appraisers on the occasion of its golden anniversary; to the Committee on Post Office and Civil Service.

By Mr. GOODLING:

H. Res. 203. Resolution to honor the members of the Airborne Ranger companies who served in the Korean War; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN:

H. Res. 204. Resolution expressing the sense of the House of Representatives that hearings should be held to review the implementation of Federal laws designed to ensure that each region of the United States has an adequate reserve of crude oil, residual fuel oil, and refined petroleum products; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

0166. By the SPEAKER: Memorial of the legislature of the State of Nevada, relative to defense; to the Committee on Armed Services.

0167. Also, memorial of the legislature of the State of Colorado, relative to Fair Labor Standards Act; to the Committee on Education and Labor.

0168. Also, memorial of the legislature of the State of California, relative to the school lunch program; to the Committee on Education and Labor.

0169. Also, memorial of the legislature of the State of Maine, relative to seat belts; to the Commitee on Energy and Commerce.

0170. Also, memorial of the legislature of the State of California, relative to famine relief to Ethiopia; to the Committee on Foreign Affairs.

171. Also, memorial of the legislature of the State of Colorado, relative to the deficit; to the Committee on Government Operations.

172. Also, memorial of the legislature of the State of Nevada, relative to public schools; to the Committee on Interior and Insular Affairs.

173. Also, memorial of the legislature of the State of Nevada, relative to Federal lands; to the Committee on Interior and Insular Affairs.

174. Also, memorial of the legislature of the State of Nevada, relative to the line item veto; to the Committee on the Judiciary.

175. Also, memorial of the legislature of the State of Colorado, relative to the Nation's highway-bridge infrastructure; to the Committee on Public Works and Transportation.

176. Also, memorial of the legislature of the State of South Carolina, relative to the construction trades; to the Committee on Ways and Means.

177. Also, memorial of the legislature of the State of South Carolina, relative to textiles; to the Committee on Ways and Means.

178. Also, memorial of the legislature of the State of Nevada, relative to suicide among youth; jointly, to the Committees on Education and Labor and Energy and Commerce.

179. Also, memorial of the legislature of the State of Nevada, relative to wild horses and burros on public lands; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Ms. KAPTUR, Mr. WILLIAMS, Mr. STENHOLM, Mr. OLIN, Mr. FAZIO, Mr. ANDREWS, and Mr. MARLENEE.

H.R. 187: Mr. GINGRICH.

H.R. 704: Mr. BATEMAN, Mr. DELAY, Mr. FROST, Mr. ARCHER, and Mr. MCEWEN.

H.R. 712: Mr. KOLTER, Mr. BURTON of Indiana, and Mr. SILJANDER.

H.R. 796: Mr. GILMAN.

H.R. 885: Mr. SAVAGE.

H.R. 935: Mr. CROCKETT, Mrs. BURTON of California, Mr. BILIRAKIS, and Mr. MCEWEN.

H.R. 963: Mr. ACKERMAN and Mr. HEFTEL of Hawaii.

H.R. 964: Mr. COOPER.

H.R. 965: Mr. ACKERMAN and Mr. HEFTEL of Hawaii.

H.R. 966: Mr. ACKERMAN and Mr. HEFTEL of Hawaii.

H.R. 1002: Mr. STANGELAND.

H.R. 1017: Mr. LOTT.

H.R. 1059: Mrs. HOLT.

H.R. 1090: Mr. WIRTH and Mr. DURBIN.

H.R. 1161: Mr. CONTE and Mr. RIDGE.

H.R. 1188: Mr. SHELBY, Mr. WOLPE, Mr. HUNTER, Mr. RINALDO, Mr. NIELSON of Utah, Mr. WHITEHURST, Mrs. BENTLEY, Mr. BATEMAN, Mrs. BYRON, Mr. FAWELL, Mr. DEWINE, and Mr. LOTT.

H.R. 1345: Mr. BADHAM.

H.R. 1441: Mr. WILSON.

H.R. 1523: Mr. SYNAR, Mr. JACOBS, Mr. CLINGER, Mr. FRANK, Mr. BUSTAMANTE, Mr. PERKINS, Mr. CROCKETT, and Mr. HOYER.

H.R. 1524: Mr. CARPER, Mr. NOWAK, Mr. LELAND, Mr. SLATTERY, Mrs. SCHNEIDER, Mr. RINALDO, Mr. ROYBAL, Mr. ASPIN, Mr. SAXTON, Mr. FAUNTROY, Mr. HOWARD, Ms. MIKULSKI, Mr. WATKINS, Mr. MARKEY, Mr. WEAVER, Mr. RANGEL, Mr. LUNDINE, Mr. STARK, Mr. BEDELL, Mr. KANJORSKI, Mr. HAMILTON, and Mr. PERKINS.

H.R. 1550: Mr. LIVINGSTON, Mr. VOLKMER, and Mr. DAUB.

H.R. 1565: Mr. LIGHTFOOT.

H.R. 1566: Mr. GLICKMAN.

H.R. 1567: Mr. GLICKMAN.

H.R. 1591: Mr. DURBIN, Mr. DENNY SMITH, and Mr. HUBBARD.

H.R. 1616: Mr. ADDABBO, Mr. SOLARZ, Mr. LELAND, Mr. EDWARDS of California, Mr. SCHUMER, Mr. DIXON, Mr. GEJDENSON, Mr. WALGREN, Mr. WEAVER, Mr. MORRISON of Connecticut, and Mr. ROE.

H.R. 1769: Mr. STALLINGS.

H.R. 1811: Mr. STUMP and Mr. ECKERT of New York.

H.R. 1844: Mr. ROE, Mr. STOKES, Mr. DELLUMS, and Mr. GONZALEZ.

H.R. 1893: Mr. COBEY, Mr. QUILLEN, and Mr. FAWELL.

H.R. 1901: Mr. OXLEY, Mr. PENNY, Mr. KOLTER, Mr. COATS, Mr. LOEFFLER, Mr. MOLLOHAN, Ms. MIKULSKI, Mr. CHANDLER, Mr. STAGGERS, Mr. BROWN of California, and Mr. MONSON.

H.R. 1907: Mr. DELAY.

H.R. 1908: Mr. STUMP.

H.R. 1923: Mr. FRANK.

H.R. 2003: Mr. RINALDO and Mr. WIRTH.

H.R. 2015: Mrs. BENTLEY.

H.R. 2034: Mr. MINETA.

H.R. 2071: Mr. DOWDY of Mississippi.

H.R. 2078: Mr. SILJANDER, Mr. MONSON, Mr. BARTON of Texas, and Mr. WILSON.

H.R. 2080: Mr. DONNELLY, Mr. GONZALEZ, Mr. HUBBARD, Mr. PANETTA, Mr. UDALL, and Mr. DASCHLE.

H.R. 2119: Mr. FEIGHAN and Mr. PARRIS.

H.R. 2226: Mr. COUGHLIN.

H.R. 2235: Mr. DELLUMS and Mr. CONYERS.

H.R. 2262: Mr. BORSKI and Mr. TORRICELLI.

H.R. 2337: Mr. PACKARD.

H.R. 2361: Mr. BORSKI, Mr. LUNDINE, Mr. RANGEL, Mr. HAWKINS, and Mr. MITCHELL.

H.R. 2398: Mr. DEWINE, Mr. STALLINGS, and Mr. FRENZEL.

H.R. 2457: Mr. ADDABBO, Mr. FEIGHAN, Mr. NEAL, Mr. WAXMAN, Mr. MATSUI, Mr. FROST, Ms. KAPTUR, Mr. HOYER, Mr. EVANS of Illinois, Mr. RANGEL, Mr. OWENS, Mr. MRAZEK, Mr. CROCKETT, Mr. HEFTEL of Hawaii, Mr. LAFALCE, Mr. GARCIA, Mr. REID, Mr. MARTINEZ, Mr. SAVAGE, Mr. CONYERS, Ms. OAKAR, Mr. COYNE, Mr. FUSTER, Mr. FASCELL, Mr. DYMALLY, Mr. CLAY, Mrs. BURTON of California, Mr. HAWKINS, Mr. LELAND, Mr. HAYES, Mr. ORTIZ, Mr. TALLON, Mr. FRANK, Mr. RAHALL, Mr. SMITH of Florida, Mr. WHEAT, Mr. STOKES, Mr. ROE, Mr. WYDEN, Mr. WOLPE, Mr. WILLIAMS, Mr. BERMAN, Mr. MORRISON of Connecticut, Mr. ANDREWS, Mr. MAZZOLI, Mr. ENGLISH, Mrs. BOXER, Mrs. BOGGS, Mr. FAZIO, Mr. FISH, and Mr. MITCHELL.

H.R. 2554: Mr. TALLON, Mr. KRAMER, Mr. DELLUMS, Mr. NEAL, and Mr. BORSKI.

H.R. 2560: Mr. BONIOR of Michigan.

H.R. 2567: Mr. FAZIO, Mr. ECKART of Ohio, Mr. TOWNS, Mr. DIXON, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LANTOS, Mr. MATSUI, Mr. GEJDENSON, Mr. GONZALEZ, and Mr. GARCIA.

H.R. 2584: Mr. KOLTER.

H.R. 2588: Mr. LENT, Mr. MURTHA, Mr. OBERSTAR, Mr. FROST, Mr. BEVILL, Mrs. COLLINS, Mrs. BYRON, Mr. TAYLOR, Mr. VALENTINE, Mr. KOLBE, Mr. AKAKA, Mr. O'BRIEN, Mr. LOWERY of California, Mr. APPLEGATE, Mrs. BENTLEY, Mr. BOEHLERT, Mr. BREAUX, Mr. MATSUI, Mr. MARKEY, Mr. MRAZEK, Mr. ANDREWS, Mr. MCCLOSKEY, Mr. CONTE, Mr. DANIEL, Mr. COELHO, and Mr. PORTER.

H.R. 2597: Mr. RANGEL, Mr. MCGRATH, and Mr. FISH.

H.R. 2602: Mr. WOLF.

H.R. 2620: Mr. CLINGER and Mr. GRAY of Illinois.

H.R. 2653: Mr. AKAKA, Mr. BERMAN, Mrs. BOXER, Mr. CLAY, Mr. DAVIS, Mr. HEFTEL of Hawaii, Mr. HUGHES, Mr. JACOBS, Mrs. KENNELLY, Mr. LEVIN of Michigan, Ms. MIKULSKI, Mr. NOWAK, Mr. Mr. RAHALL, Mr. RODINO, Mr. ROYBAL, Mr. SABO, Mr. SCHUMER, Mr. STUDDS, Mr. TALLON, and Mr. WILSON.

H.R. 2684: Mr. MOORHEAD, Mr. SWINDALL, Mr. SHAW, and Mr. GLICKMAN.

H.R. 2695: Mr. LEHMAN of Florida, Mr. KOLTER, and Mr. MITCHELL.

H.R. 2696: Mr. VENTO, Mr. LEHMAN of Florida, Mr. KOLTER, and Mr. MITCHELL.

H.R. 2712 Mr. MANTON and Mr. LEHMAN of Florida.

H.R. 2723: Mr. ROSTENKOWSKI.

H.J. Res. 3: Mr. KOLTER, Mr. CARPER, Mr. BRUCE, Mr. SHARP, Mr. COELHO, and Mr. HEFTEL of Hawaii.

H.J. Res. 106: Mr. ANDERSON and Mr. MILLER of California.

H.J. Res. 133: Mr. GROTBERG, Mr. HUGHES, Mr. SAXTON, Mr. ENGLISH, and Mr. FLORIO.

H.J. Res. 153: Mr. SHELBY.

H.J. Res. 156: Mr. GRAY of Illinois, Mr. LAFALCE, Mr. BIAGGI, and Mrs. HOLT.

H.J. Res. 197: Mr. FRANK, Mr. VANDER JAGT, Mr. HAMILTON, Mrs. KENNELLY, Mr. MCKINNEY, Mr. HENRY, Mr. SUNIA, Mr. BARTLETT, Mr. MCCOLLUM, Mr. LEWIS of Florida, Mr. MORRISON of Connecticut, Mr. FASCELL, Mr. EVANS of Iowa, Mr. ROGERS, Mr. ACKERMAN, Mr. STOKES, Mr. LAGOMARSINO, Mr. DYMALLY, Mr. BROOMFIELD, Mr. CARNEY, Mr. CARPER, Mr. CARR, Mr. BROWN of California, Mr. COATS, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. EMERSON, Mr. ERDREICH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. DE LA GARZA, Mr. DUNCAN, Mr. SOLARZ, Mr. GILMAN, Mr. KOSTMAYER, Mr. LATTA, Mr. MCDADE, Mr. SHAW, Mr. MITCHELL, Mr. PEPPER, Mr. PERKINS, Mr. RINALDO, Mr. DELLUMS, Mr. ROWLAND of Georgia, Mr. KASICH, Mr. GRAY of Pennsylvania, Mr. HUBBARD, Mr. WALGREN, Mr. BIAGGI, Mr. DASCHLE, Mr. MCEWEN, Mr. SHUMWAY, Mr. STARK, Mr. WYDEN, Mr. AKAKA, Mr. RUDD, Mr. KILDEE, Mr. SPENCE, Mr. ANDREWS, Mr. LEVINE of California, Mrs. BURTON of California, Mr. CAMPBELL, Mr. CLAY, Mr. GUNDERSON, Mr. FLORIO, Mr. VOLKMER, Mr. VALENTINE, Mr. FAZIO, Mr. REGULA, Mr. SMITH of Iowa, and Mr. GEJDENSON.

H.J. Res. 205: Mr. PERKINS, Mr. RANGEL, Mr. SUNDQUIST, Mr. HOYER, Mr. MRAZEK, Mr. CRAIG, Mr. KILDEE, Mr. GRAY of Pennsylvania, Mr. SKELTON, Mr. O'BRIEN, Mr. MILLER of Ohio, Mr. HUNTER, Mr. SISISKY, Mr. LEATH of Texas, Mr. GRAY of Illinois, Mr. FISH, Mr. MCEWEN, Mr. BROOMFIELD, Mr. CHAPPIE, Mr. DEWINE, Mr. EDWARDS of California, Mr. ERDREICH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. HUBBARD, Mr. MICA, Mr. NEAL, Mr. SYNAR, Mr. SLAUGHTER, Mr. HAWKINS, Mr. PEPPER, Mr. ANNUNZIO, Mr. STENHOLM, Mr. WYDEN, and Mr. SAVAGE.

H.J. Res. 210: Mr. BEILENSON, Mr. ROE, Mr. ROSE, Mr. SAVAGE, Mr. KOLTER, Mr. MORRISON of Connecticut, Mr. FLORIO, and Mr. FAZIO.

H.J. Res. 218: Mr. DANIEL, Mr. SNYDER, Mr. RANGEL, Mr. BROWN of California, Mr.

WOLPE, Mr. CARR, Mr. BOUCHER, Mr. VANDER JAGT, Mr. FAZIO, Mr. BROOMFIELD, Mr. HUBBARD, Mr. FISH, and Mr. MCEWEN.

H.J. Res. 222: Mr. BATEMAN, Mr. BENNETT, Mr. BEVILL, Mr. BURTON of Indiana, Mr. COOPER, Mr. DARDEN, Mr. ERDREICH, Mr. HAMMERSCHMIDT, Mr. HEFNER, Mr. HUTTO, Mr. JENKINS, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. ORTIZ, Mr. QUILLEN, Mr. STENHOLM, Mr. SUNDQUIST, and Mr. TALLON.

H.J. Res. 250: Mr. DERRICK, Mrs. BENTLEY, Mr. BORSKI, Mr. BROWN of California, and Mr. STOKES.

H.J. Res. 267: Mr. NIELSON of Utah.

H.J. Res. 287: Mr. DARDEN, Mr. DASCHLE, Mr. DANIEL, Mr. DICKINSON, Mr. FOGLIETTA, Mr. FRENZEL, Mr. GRAY of Illinois, Mr. HEFTEL of Hawaii, Mr. HOYER, Mr. HYDE, Mr. JONES of North Carolina, Mr. KILDEE, Mr. KINDNESS, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LELAND, Mr. LOTT, Mr. MILLER of California, Mr. PERKINS, Mr. RICHARDSON, Mr. ROWLAND of Georgia, Mr. STANGELAND, Mr. TAUKE, Mr. VENTO, Mr. VOLKMER, Mr. WORTLEY, and Mr. HUTTO.

H.J. Res. 297: Mr. DYSON.

H.J. Res. 306: Mr. FRANK, Mr. KOLTER, Mr. FROST, Mr. WORTLEY, Mr. SMITH of New Jersey, Mr. GRAY of Illinois, and Mr. MITCHELL.

H. Con. Res. 26: Mr. ARCHER and Mr. EDGAR.

H. Con. Res. 69: Mr. MURPHY, Mr. SOLARZ, Mr. FEIGHAN, Mr. SCHUMER, and Mr. WATKINS.

H. Con. Res. 101: Mr. DURBIN, Mr. GREEN, Mr. FLORIO, and Mr. MINETA.

H. Con. Res. 146: Mr. SISISKY, Mr. MRAZEK, Mr. MINETA, Mr. ORTIZ, and Mr. WIRTH.

H. Con. Res. 162: Mr. MITCHELL.

H. Res. 122: Mr. CLINGER, Mr. SCHUSTER, Mr. FAZIO, Mr. FEIGHAN, Mr. DURBIN, Mr. DWYER of New Jersey, and Mr. KILDEE.

H. Res. 194: Mr. LANTOS, Mr. ADDABBO, Mr. RODINO, Mr. SYNAR, Mr. GUARINI, Mr. MOAKLEY, Mr. DIOGUARDI, Mr. KOLTER, Ms. FIEDLER, and Mr. MCGRATH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2124: Mr. HOPKINS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

144. By the SPEAKER: Petition of Jim Havel, Salem, OR, relative to the legislative process; to the Committee on House Administration.

145. Also, petition of the New Jersey State Federation of Women's Clubs, Short Hills, NJ, relative to the Clean Water Act, to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1872

By Mr. ARMEY:

—At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. REMOVAL OF RESTRICTIONS ON CONTRACTING OUT AUTHORITY.

Notwithstanding any other provision of law, the Secretary of Defense may contract for the performance of any service or activity by non-Government personnel if the Secretary determines that the performance of such service or activity by non-Government personnel would be cost effective and in the best interest of the national defense.

By Mr. ASPIN:

—Page 166, after line 4, add the following new section (and redesignate section 1001 as section 1002):

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY OF TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purpose as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

By Mr. BARNARD:

—At the end of title X (page 200, after line 4) add the following new section:

SEC. 1050. ARMED FORCES NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Scientific and technological developments in communications and electronics are of particular importance to the United States in meeting its national security, industrial, and other needs.

(2) Enhanced training in the technical communications, electronics, and computer disciplines is necessary for a more efficient and effective military force.

(3) The Secretary of the Army, through the Training and Doctrine Command, is responsible for providing training to members of the Army.

(4) The Ninety-seventh Congress, in Senate Concurrent Resolution 130 of that Congress, encouraged the establishment within the United States of a national center dedicated to communications and electronics.

(5) The Secretary of the Army entered into a Memorandum of Understanding with the National Science Center for Communications and Electronics Foundation Incorporated, a nonprofit corporation of the State of Georgia, in which the Army and such foundation agreed to develop a science center for—

(A) the promotion of engineering principles and practices;

(B) the advancement of scientific education for careers in communications and electronics; and

(C) the portrayal of the communications, electronics, and computer arts.

(b) PURPOSE.—It is the purpose of this section—

(1) to recognize the relationship between the Army and the National Science Center for Communications and Electronics Foundation Incorporated (hereinafter in this section referred to as the "Foundation") for the development, construction, and operation of a national science center; and

(2) to authorize the Secretary of the Army (hereinafter in this section referred to as the "Secretary") to make available a suitable site for the construction of such a center, to accept title to the center facilities when constructed, and to provide for the management, operation, and maintenance of such a center after the transfer of title of the center to the Secretary.

(c) ARMED FORCES NATIONAL SCIENCE CENTER.—(1) Subject to paragraph (2), the Secretary may provide a suitable parcel of land at or near Fort Gordon, Georgia, for the construction by the Foundation of an Armed Forces National Science Center to meet the objectives expressed in subsection (a). Upon completion of the construction of the center, the Secretary may accept title to the center and may provide for the management, operation, and maintenance of the center.

(2) As a condition to making a parcel of land available to the Foundation for the construction of an Armed Forces National Science Center, the Secretary shall have the right to approve the design of the center, including all plans, specifications, contracts, sites, and materials to be used in the construction of such center and all rights-of-way, easements, and rights of ingress and egress for the center. The Secretary's approval of the design and plans shall be based on good business practices and accepted engineering principles, taking into consideration safety and other appropriate factors.

(d) GIFTS.—The Secretary may accept conditional or unconditional gifts made for the benefit of, or in connection with, the center.

(e) ADVISORY BOARD.—The Secretary may appoint an advisory board to advise the Secretary regarding the operation of the center in pursuit of the goals of the center described in subsection (a)(5). The Secretary may appoint to the advisory board such members of the Board of Directors of the Foundation as the Secretary considers appropriate. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board appointed under this subsection.

(f) AVAILABILITY OF CENTER TO FOUNDATION.—Consistent with the mission of the armed forces and the efficient operation of the center, the Secretary may make facilities at the center available to the Foundation—

(1) for its corporate activities; and

(2) for such endeavors in the area of communications and electronics as the Secretary may consider appropriate.

(g) OTHER AUTHORIZED USES.—(1) The Secretary may make the center available to the public and to other departments and agencies of the Government for research and study and for public exhibitions. The Secretary may charge for such uses as he considers necessary and appropriate.

(2) Any money collected for the use of the facilities of the center shall be deposited to

a special fund maintained by the Secretary for the maintenance and operation of the center. The Secretary shall require the Auditor General of the Army to audit the records of such fund at least once every two years and to report the results of the audits to the Secretary.

By Mr. BENNETT:

—At the end of Title II, add the following new section:

Section 207(a). That at the time of submission to the Congress of the requests by the Department of Defense for fiscal year 1987 expenditures for the Strategic Defense Initiative, said Department shall inform Congress as to:

(1) What probable responses can be expected from potential enemies should the Strategic Defense Initiatives be carried out to procurement and deployment, such as what increase may be anticipated in offensive enemy weapons in an enemy's attempt to penetrate the defensive shield by increasing the numbers or qualities of its offensive weapons;

(2) What can be expected from potential enemies in the deployment of weapons not endangered by the Strategic Defense Initiative, such as cruise missiles and low trajectory submarine missiles;

(3) The degree of the dependency of success for the Strategic Defense Initiative upon a potential enemy's not deploying anti-satellite weapons;

(4) Whether it would be in the best security interests of the United States to share our discoveries in the Strategic Defense Initiative studies with potential enemies as a way of discouraging their offensive weapons buildup, as has been suggested by the Administration; and

(5) The cost estimates for the research, development, test and evaluation for the proposed Strategic Defense Initiative; and the cost estimates for procurement and deploy, as early as possible but not later than the submission of the fiscal year 1988 Department of Defense budget request.

(b) Funds required for the conduct of subject studies shall be made available by the Strategic Defense Initiative Office.

H.R. 1872

By Mr. BRYANT:

—Page 172, after line 20, insert the following new section:

SEC. 1016. REPORT ON CIVILIAN DEFENSE PROCUREMENT.

(a) REPORT.—The General Accounting Office shall conduct a study of the methods by which weapon system acquisition could be managed by civilian personnel. Within 180 days after the date of enactment of this Act, such Office shall transmit a report to the Congress containing the findings and conclusions reached as a result of such study.

(b) DEFINITION.—For purposes of subsection (a), "weapon system acquisition" means the development and procurement of weapon systems to be utilized by the Department of Defense, including all initial components, spare or replacement parts, hardware, software, and associated equipment, which function together to give the weapon system the capability to carry out the mission for which it is developed and procured.

(To the amendment offered by Mr. NICHOLS.)

—At the end of section 1016 of the material proposed to be inserted by the Nichols amendment, insert the following new subsection:

(d) APPLICABILITY TO SUBCONTRACTS.—The regulations of the Secretary of Defense required to be issued under subsection (b) shall require, to the maximum extent possible, that the provisions of section 2423 of title 10, United States Code, as added by subsection (a), shall apply to all subcontractors of any covered contract, as that term is defined in such section.

(To the amendment offered by Mr. NICHOLS.)

—In section 1016 of the material proposed to be inserted by the Nichols amendment, insert ", including legal fees" after "Professional and consulting services" in subsection (d)(2)(H) of the section 2324 of title 10, United States Code, which is added by subsection (a) of such section 1016.

(To the amendment offered by Mr. NICHOLS.)

—Strike out the section 1017 of the material proposed to be inserted by the Nichols amendment and insert in lieu thereof the following:

SEC. 1017. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor or subcontractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority of the Secretary of Defense under this subsection shall be promptly delegated to each of the following:

"(A) An officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(B) The director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts.".

—Page 142, strike out line 9 and insert in lieu thereof the following (and redesignate the succeeding section accordingly):

TITLE VIII—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

SEC. 801. SHORT TITLE.

This title may be cited as the "Defense Procurement Waste and Abuse Prevention Act of 1985".

SEC. 802. PURPOSES.

The purposes of this title are—

(1) to ensure that items of indirect costs included by a contractor or a subcontractor of the Department of Defense in any contract awarded by the Secretary of Defense are monitored by the Secretary to prevent abuse and waste of Federal funds and to ensure that such costs do not include items of expenditures for reimbursement that are not reasonably related to the contract and subcontract; and

(2) to place the burden on the contractor (including the contractor's officers and employees) claiming reimbursement or payment for any indirect costs payable to such contractor under a defense contract or subcontract to show that such costs are reasonable and allowable and to ensure that all such requests are made in accordance with the amendments made by this title and other applicable provisions of law and regulations.

SEC. 803. ALLOWABLE COSTS.

(a) REGULATION OF ALLOWABLE COSTS PAYABLE TO DEFENSE CONTRACTORS.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Allowable costs under defense contracts

"(A)(1) The Secretary of Defense shall require that all covered contracts comply with the requirements of this title and that no contractor receives payment for indirect costs not allowed by or under this title. The Secretary shall also require that if a contractor submits to the Department of Defense a proposal (at the time of final settlement of contract costs or at any other time) covering any indirect cost incurred by the contractor for any period after such costs have been accrued which includes, as determined by the Secretary of Defense, the submission of one or more indirect costs that are specified by statute (other than this paragraph) or regulation as unallowable—

"(A) all costs, including such unallowable indirect costs, covered by that proposal shall be disallowed by the Secretary; and

"(B) the Secretary shall require the contractor to pay to the United States an amount equal to the greater of $10,000 or—

"(i) the amount of the indirect cost unallowable under such statute or regulation, plus interest; or

"(ii) if the cost is of a type that has been finally determined, before the submission of such proposal, to be expressly unallowable to that contractor, an amount equal to twice the amount of such unallowable indirect cost, plus interest.

"(2) An action by the Secretary under a contract provision required by paragraph (1) to disallow a cost and to require payment of a contractor—

"(A) shall be considered a final decision for purposes of section 6 of the Contracts Dispute Act of 1978 (41 U.S.C. 605); and

"(B) shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(3) Interest under paragraph (1) shall be computed—

"(A) from the date on which the cost is submitted to the Secretary; and

"(B) at the applicable rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

"(b) The following costs are not allowable indirect costs under a covered contract:

"(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(2) Costs incurred to influence (directly or indirectly)—

"(A) congressional action on any legislation or appropriation matters pending before Congress or a State; or

"(B) executive branch action on any regulatory or contract matter pending before an executive branch agency (other than reasonable and necessary costs incurred in preparing a contract submission or proposal in response to any solicitation).

"(3) Costs incurred in defense of any civil or criminal fraud proceeding or similar proceeding (including filing of any false certification) brought by the United States where the contractor is found liable for fraud or has pleaded nolo contendere to a charge of fraud or similar proceeding (including filing of false certification).

"(4) Payments of fines and penalties resulting from violations of, or failure to comply with, Federal, State, local, or for-

eign laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer authorizing in advance such payments in accordance with applicable regulations of the Secretary of Defense.

"(5) Costs of membership in any social, dining, or country club or organization.

"(6) Costs of bulk purchases of alcoholic beverages.

"(7) Contributions or donations, regardless of the recipient.

"(8) Costs of advertising designed to promote the contractor or its products.

"(9) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(10) Other cost items identified by regulation which the Secretary of Defense shall prescribe by regulation under this section.

"(11) Except as provided in subsection (c), costs for travel by aircraft to the extent that such costs exceed the amount of the standard commercial fare for travel by air common carrier between the points involved.

"(c)(1) Subsection (b)(11) may be waived by the contracting officer if the officer determines that travel by air common carrier at standard fare—

"(A) would require travel at unreasonable hours;

"(B) would excessively prolong travel;

"(C) would result in overall increased costs that would offset potential savings from travel at standard commercial fare; or

"(D) would not meet physical or medical needs of the person traveling.

"(2) Subsection (b)(11) may be waived by the contracting officer if the officer determines that travel by aircraft other than a common carrier—

"(A) is—

"(i) specifically authorized under the contract; or

"(ii) impractical; and

"(B) is for business purposes and requires the use of such aircraft.

"(3) Costs for air travel in excess of that allowed by subsection (b)(11) may only be allowed by reason of one of the exceptions contained in paragraph (1) or by reason of paragraph (2) if the exception is fully documented and justified, including, in the case of an exception under paragraph (2), full documentation of the use of the aircraft for business purposes. Any waiver by the contracting officer shall be made in writing in advance of the travel or at such other times as the officer considers reasonable.

"(d)(1) The Secretary of Defense shall prescribe regulations, consistent with requirements of subsection (b), to establish criteria for the allowability of indirect contractor costs under Department of Defense contracts. Such regulations shall be prescribed as part of the Department of Defense supplement to the Federal Acquisition Regulation. In developing specific criteria for the allowability of such costs, the Secretary shall consider whether reimbursement of such costs by the United States is in the best interest of the United States and consistent with the requirements of subsection (b). Such regulations—

"(A) shall define and interpret in reasonable detail and specific terms those indirect costs, including the cost requirements of subsection (b), that are unallowable and allowable under contracts entered into by the Department of Defense; and

"(B) shall provide that specific costs unallowable under one cost principle shall not be allowable under any other cost principle.

"(2) The regulations under paragraph (1) shall, at a minimum, clarify the cost principles applicable to a contractor of the following:

"(A) Air shows.

"(B) Advertising.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Community relations.

"(F) Dining facilities.

"(G) Professional and consulting services, including legal fees.

"(H) Compensation.

"(I) Selling and marketing.

"(J) Travel.

"(K) Public relations.

"(L) Hotel and meal and related alcoholic and other beverages expenses.

"(M) Membership in civic, community, and professional organizations.

"(3) Such regulations shall specify the circumstances under which clauses (A) and (B) of subsection (c)(1) shall be applied.

"(4) Such regulations shall require that a contractor be required to provide current, accurate, and complete documentation to support the allowability of an indirect cost at the time a proposal which includes (or may reasonably include) any indirect costs is submitted to the Secretary. If such documentation is not sufficient to support the allowability of the cost, the cost shall be challenged by the Secretary and it shall become expressly unallowable and not subject to negotiation.

"(e)(1) The Secretary of Defense shall require that each indirect cost in the contractor's submission for final overhead settlement applied to covered contracts that is not specifically unallowable under law or regulation and that is challenged by the Secretary as being unallowable shall be considered for resolution separately from the resolution of other challenged costs. If such challenged cost cannot be resolved separately, then the settlement may include an aggregate amount for the settlement of all such challenged costs if—

"(A) the contractor and the contracting officer cannot agree on the allowability of the cost under applicable cost principles;

"(B) the contracting officer documents the reasons why an agreement cannot be reached; and

"(C) the contractor agrees in writing that costs of that type will not be submitted to the Department of Defense for payment as an allowable indirect cost in the future under that contract or any other contract of the contractor with the Secretary.

"(2) The Secretary of Defense shall provide that the defense contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor. If, in exceptional circumstances, such auditor cannot reasonably be present, the preceding sentence may be waived by the contracting officer.

"(f)(1) A contractor that submits a proposal for interim or final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in the form prescribed in paragraph (2).

"(2) The certification required by paragraph (1) is as follows:

" 'CERTIFICATE OF OVERHEAD COSTS

" 'This is to certify that:

" '1. I have reviewed the claim submitted herewith;

" '2. All costs included in this claim for (overhead costs for rate approval) (final settlement for identify period) are allowable in accordance with the requirements of contracts to which they apply and with the cost principles of the Department of Defense applicable to those contracts;

" '3. This claim does not include any costs which are unallowable under applicable cost principles of the Department of Defense, such as (without limitation): advertising and public relations costs (contributions and donations), entertainment costs, fines and penalties, lobbying costs, defense of fraud proceedings, and goodwill; and

" '4. All costs included in this claim benefit the Department of Defense and are demonstrably related to or necessary for the performance of the Department of Defense contract(s) covered by the claim.

" 'I declare under penalty of perjury that the foregoing is true and correct.'.

"(3) Such certification shall identify the contractor and be signed by the chief financial officer of the contractor.

"(g) The Secretary of Defense shall provide that, in establishing the interim or provisional rates for payment of indirect costs to a contractor for which final settlement will be made at a later time, such rates shall be based upon amounts incurred by such contractor for indirect costs less any amount questioned by the agency with responsibility for audits of contracts and amounts prohibited by this section.

"(h) In this section, 'covered contract' means a contract entered into by the Department of Defense for an amount more than $25,000—

"(1) that is flexibly priced; or

"(2) for which cost or pricing data is required under section 2306(f) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2324. Allowable costs under defense contracts.".

(b) REGULATIONS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish final regulations required by subsection (d) of section 2324 of title 10, United States Code, as added by subsection (a). Such regulations shall be prescribed in accordance with section 22 of the Office of Federal Procurement Act (41 U.S.C. 418b). The Secretary shall review such regulation at least once every three years and the results of that review, taking into consideration experience, shall be made public.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of proposed regulations to be prescribed in accordance with paragraph (1); and

(B) a report identifying—

(i) the nature of the proposed changes that would be made by such proposed regulations to the current cost principles on the allowability of contractor costs; and

(ii) the potential effect of such changes on the allowability of contractor costs.

(3) At the time such proposed regulations and report are submitted to such committees, they shall also be published in the Federal Register for purposes of public comment of not less than 30 days.

(c) EFFECTIVE DATE.—Section 2324 of title 10, United States Code, as added by subsection (4), shall apply to costs incurred under any contract entered into before, on, or after the date of enactment of this Act to

the extent such costs are incurred at any time 60 days after such regulations are promulgated. Such section shall not apply to any contract entered into before the date of the enactment of this Act if the Secretary of Defense determines that the particular terms of the contract existing before promulgation of such regulations are such that the provisions of that section could not be applied to the contract.

(d) APPLICABILITY TO SUBCONTRACTS.—The regulations of the Secretary of Defense required to be issued under subsection (b) shall require to the maximum extent possible that the provisions of section 2423 of title 10, United States Code, as added by subsection (a), shall apply to all subcontractors of any covered contract, as that term is defined in such section.

SEC. 804. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor or subcontractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority of the Secretary of Defense under this subsection shall be promptly delegated to each of the following:

"(A) An officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(B) The director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts.".

SEC. 805. LIMITATION ON ASSIGNMENTS OF PRINCIPAL CONTRACTING OFFICERS.

(a) LIMIT ON TOURS OF DUTY AND REASSIGNMENTS.—The Secretary of Defense shall prescribe regulations—

(1) to limit to five years the maximum tour of duty for which an officer or employee under the jurisdiction of the Secretary may be assigned to represent the Department of Defense with a particular contractor as a principal contracting officer; and

(2) to provide that an officer or employee who has held a position as principal contracting officer with a contractor may not be reassigned to duty with that contractor or any contractor affiliated with that contractor for a period of five years after the end of the previous such assignment.

(b) WAIVER AUTHORITY.—The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the limitation in subsection (a) in the case of any officer or employee if the Secretary—

(1) determines that it would not be in the best interests of the United States to apply such limitation in that case; and

(2) states in writing the reasons for that determination, which shall be available to the public.

Any such waiver may not extend such period for more than two years.

(c) DEFINITION.—For purposes of this section, the term "principal contracting officer" means—

(1) a principal corporate administrative contracting officer or deputy principal corporate administrative contracting officer; and

(2) a principal administrative contracting officer or deputy principal administrative contracting officer.

To the amendment offered by Mr. Nichols.

—In section 1016 of the material proposed to be inserted by the Nichols amendment, strike out subsection (f) of the section 2324 of title 10, United States Code, which is added by subsection (a) of such section 1016 and insert the following in lieu thereof:

"(f)(1) A contractor that submits a proposal for interim or final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in the form prescribed in paragraph (2).

"(2) The certification required by paragraph (1) is as follows:

" 'CERTIFICATE OF OVERHEAD COSTS

" 'This is to certify that:

" '1. I have reviewed the claim submitted herewith;

" '2. All costs included in this claim for (overhead costs for rate approval) (final settlement for identify period) are allowable in accordance with the requirements of contracts to which they apply and with the cost principles of the Department of Defense applicable to those contracts;

" '3. This claim does not include any costs which are unallowable under applicable cost principles of the Department of Defense, such as (without limitation): advertising and public relations costs (contributions and donations), entertainment costs, fines and penalties, lobbying costs, defense of fraud proceedings, and goodwill; and

" '4. All costs included in this claim benefit the Department of Defense and are demonstrably related to or necessary for the performance of the Department of Defense contract(s) covered by the claim.

" 'I declare under penalty of perjury that the foregoing is true and correct.'.

"(3) Such certification shall identify the contractor and be signed by the chief financial officer of the contractor.

—Page 172, after line 20, add the following new section:

SEC. 1016. CIVILIAN DIRECTOR OF DEFENSE WEAPONS ACQUISITION.

(a) ESTABLISHMENT OF POSITION OF DIRECTOR.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136a the following new section:

§ 136b. Director of Weapon Systems Acquisitions: appointment; powers and duties

"(a) In this section, 'weapon system acquisition program' means a program to develop and procure a weapon system, including all intitial components, spare or replacement parts, hardware, software, and associated equipment, which function together to give the weapon system the capability to carry out the mission for which it is developed and procured.

"(b)(1) There is a Director of Weapon Systems Acquisitions in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate.

"(2) The Director shall report to and be under the direction, control, and authority of the Secretary of Defense and shall not be subject to or report to any other officer or employee of the Department.

"(c)(1) The President shall appoint the Director from among civilians without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director.

"(2) The President may remove the Director of Weapon Systems Acquisitions from office. Upon removing a Director of Weapon Systems Acquisitions from office, the President shall transmit to the Senate and the House of Representatives a written explanation of the reasons for the removal.

"(d) It is the duty and responsibility of the Director—

"(1) to carry out, in a cost-effective and timely manner, all acquisitions of weapon systems for the Department of Defense, including the acquisition of initial components and spare parts, hardware, software, and associated equipment;

"(2) to assure that each weapon system acquired is a reliable, maintainable, and operationally effective weapon system and is designed to successfully carry out the missions identified for the weapon system by each armed force for which the weapon system is acquired;

"(3) to establish and carry out appropriate career training, apprenticeship, incentives, and evaluation programs to assure the establishment and maintenance of a stable, motivated, and experienced work force in the office of the Director of Weapon Systems Acquisitions;

"(4) to require the assignment of personnel to a weapon system acquisition program for a sufficient period of time to assure the direct accountability of personnel for program performance and to assure the effective management of such program or of a specific phase of such program; and

"(5) to respond to requests from the Congress relating to programs within the responsibility of the Director.

"(e) The Secretary of Defense shall delegate to the Director the Secretary's authority to develop and procure weapon systems.

"(f) Chapters 137 and 141 of this title shall apply to the Director in the same manner as such chapters apply to the Secretary of Defense.

"(g) Neither the Secretary of a military department, nor a designee of such Secretary, may carry out a weapon system acquisition program.

"(h) The Secretary of Defense shall assure that the office of the Director of Weapon Systems Acquisition is appropriately staffed with civilian personnel.

"(i) The Secretary of Defense shall furnish the Director of Weapon Systems Acquisitions the appropriate and adequate office space (including field office space), equipment, special facilities, and services necessary to carry out the Director's duties and responsibilites.

"(i) The Secretary of Defense shall transmit to the Congress recommendations for such legislation as the Secretary considers necessary to eliminate any limitations which prevent the establishment of any personnel program referred to in subsection (d)(3).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136a the following new item:

"136b. Director of Weapon Systems Acquisitions: appointment; powers and duties."

(3) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of Weapon Systems Acquisitions, Department of Defense.".

(b) TRANSFERS.—(1) The Secretary of Defense shall transfer to the Director of Weapon Systems Acquisitions of the Department of Defense all functions and activities that the Secretary determines are

significantly related to or otherwise important to the successful performance of the duties and responsibilities of the Director set out in section 136b(d) of title 10, United States Code (as added by subsection (a)), and are within the responsibility of—

(A) the Defense Contract Administration Service of the Defense Logistics Agency;

(B) the Army Material Development and Readiness Command (including the Army Missile Command and the Army Tank and Automotive Command);

(C) the Naval Material Command (including the Naval Air Systems Command, the Naval Electronics System Command, the Naval Supply Systems Command, the Naval Sea Systems Command, and the Naval Facilities and Engineering Command);

(D) the Air Force Systems Command;

(E) the Air Force Logistics Command; or

(F) any other subordinate unit of the Department of Defense.

(2) Subject to section 1531 of title 31, United States Code, the Secretary of Defense shall transfer to the office of the Director of Weapon Systems Acquisitions the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions or activities transferred pursuant to paragraph (1).

(c) SAVINGS PROVISIONS.—(1) In this section—

(A) "Director" means the Director of Weapon Systems Acquisitions of the Department of Defense;

(B) "military department" means a department listed in section 101(7) of title 10, United States Code;

(C) "Secretary" means the Secretary of Defense; and

(D) "Secretary concerned" has the meaning given such term in section 101(8) of such title.

(2) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(A) which have been issued, made, granted, or allowed to become effective in the exercise of functions, transferred under section 5, or by any court of competent jurisdiction; and

(B) which are in effect on the effective date of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Defense, by any court of competent jurisdiction, or by operation of law.

(3) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before the Department of Defense or a military department, the functions of which are transferred to the Director under subsection (b).

(4) Except as provided in paragraph (6)—

(A) the provisions of this section shall not affect actions commenced prior to the date this section takes effect; and

(B) in all such actions proceedings may continue, appeals may be taken, and judgments may be rendered, in the same manner and effect as if this section had not been enacted.

(5) No action or other proceeding commenced by or against any officer in his official capacity as an officer for the Department of Defense or a military department from whom functions are transferred by this section shall abate by reason of the enactment of this section. No cause of action by or against Department of Defense or a military department, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this section. Causes of action and actions with respect to a function, activity, or office transferred under section 5, or other proceedings may be asserted by or against the United States, the Secretary, or the Director as may be appropriate and, in an action pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(6) If, before the effective date of this section, a military department, or any officer thereof in his official capacity, is a party to an action, and under subsection (b) any function or activity of the military department is transferred to the Director, such action shall be continued with the Secretary or the Director substituted or added as a party, as appropriate.

(7) Orders and actions of the Director in the exercise of the functions transferred under subsection (b) shall be subject to judicial review to the same extent and in the same manner as if such orders had been issued and such actions had been taken by the Secretary or the head of the military department exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, actions upon the record, or administrative review that apply to any functions transferred under section 5 shall apply to the exercise of such functions by the Secretary or the Director.

(d) EFFECTIVE DATE AND APPLICATIONS.—(1) This section and the amendments made by this section shall take effect on the first day of the first month beginning 18 months after the date of enactment of this Act.

(2)(A) Notwithstanding section 136b(d) of title 10, United States Code (as added by subsection (a)), during the period beginning on the effective date of this section and ending on the first day of the sixth fiscal year that begins after such date, the Director of Weapon Systems Acquisitions of the Department of Defense shall perform the duties and responsibilities set out in such section 136b(d) only with respect to weapon system acquisition programs that are major defense acquisition programs (as defined in section 139a(a)(1) of title 10, United States Code).

(B) The Secretary of Defense shall take subparagraph (A) into consideration in scheduling the effective dates of transfers to be made under subsection (b).

By Mr. CONYERS:

—Page 29, after line 14, insert the following new section:

SEC. 207. SET-ASIDES FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS CONCERNS WITH RESPECT TO RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION CONTRACTS.

(a) IN GENERAL.—To the maximum extent practicable, the Secretary of Defense shall ensure that not less than 10 percent of the amount appropriated pursuant to the authorizations made by this title shall be expended for contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined in section 8 of the Small Business Act and regulations issued pursuant to such section), historically Black colleges and universities, and minority institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act).

(b) ANNUAL REPORTS.—The Secretary shall submit an annual report to the Congress not later than January 1 of each calendar year beginning after the date of the enactment of this Act describing the performance of the Department of Defense in meeting the requirement established under subsection (a).

—Page 22, after line 23, insert the following new section:

SEC. 111. SET-ASIDES FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS WITH RESPECT TO PROCUREMENT CONTRACTS.

(a) IN GENERAL.—To the maximum extent practicable, the Secretary of Defense shall ensure that not less than 10 percent of the amount appropriated pursuant to the authorizations made by this title shall be expended for contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined in section 8 of the Small Business Act and regulations issued pursuant to such section.

(b) ANNUAL REPORTS.—The Secretary shall submit an annual report to the Congress not later than January 1 of each calendar year beginning after the date of the enactment of this Act describing the performance of the Department of Defense in meeting the requirement established under subsection (a).

By Mr. COURTER:

—At the end of title II (page 29, after line 14) insert the following new section:

SEC. 207. TESTING OF ANTISATELLITE WARHEADS.

(a) LIMITATION ON MORE THAN THREE TESTS.—None of the funds appropriated or otherwise made available to the Department of Defense may be obligated or expended to conduct more than three tests against an object in space of the minature homing vehicle (MHV) antisatellite warheads launched from an F-15 aircraft unless the President transmits to Congress a certification described in subsection (b).

(b) REQUIRED CERTIFICATION.—A certification under subsection (a)—

(1) may only be transmitted to Congress after the third such test against an object in space; and

(2) shall be the same as a certification described in section 8100 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473 (98 Stat. 1941)).

(c) 15-DAY DELAY.—The limitation on the obligation or expenditure of funds described in subsection (a) shall cease to apply 15 calendar days after the date of the receipt by Congress of such certification.

—At the end of title X (page 200, after line 4), insert the following section:

SEC. 1050. SENSE OF CONGRESS WITH RESPECT TO BILATERAL ARMS CONTROL AGREEMENT.

It is the sense of Congress that United States defense efforts shall not be constrained by compliance with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

By Mr. DARDEN:

—Page 23, line 11, strike out "$13,151,210,000" and insert in lieu thereof "$12,697,529,000".

Page 29, after line 14, add the following new section:

SEC. 207. PROHIBITION OF SPENDING FUNDS FOR C-17 AIRCRAFT DEVELOPMENT.

None of the funds appropriated pursuant to authorization of appropriations in this title may be used for development of the C-17 aircraft program.

By Mr. DORGAN of North Dakota:
—At the end of title VIII (page 143, after line 19) insert the following new section:

SEC. 802. REPORT ON SUSPENSION AND DEBARMENT OF DEFENSE CONTRACTORS.

(a) REQUIRED REPORT.—The Secretary of Defense shall submit to Congress a report on the policies prescribed and actions taken by the Secretary to implement the recommendations contained in the report of the Inspector General of the Department of Defense entitled "Review of Suspension and Debarment Activities Within the Department of Defense", dated May 1984.

(b) COOPERATION WITH THE OFFICE OF INSPECTOR GENERAL.—The report required by subsection (a) shall be prepared in cooperation with the Office of the Inspector General of the Department of Defense.

(c) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

—At the end of title VIII (page 143, after line 19) insert the following new section:

SEC. 802. PROHIBITION ON DEFENSE CONTRACTORS CONVICTED OF FRAUD OR OTHER CONTRACT-RELATED FELONIES.

A defense contractor that is convicted of fraud or any other felony arising out of a contract with the Department of Defense may not be awarded a contract by the Department of Defense for a period of five years from the date of the conviction.

—At the end of title VIII (page 143, after line 19) insert the following new section:

SEC. 802. COMPLIANCE OFFICERS FOR PROHIBITED FIRMS.

The Inspector General of the Department of Defense shall assign an independent compliance officer to monitor and report on the performance of a defense contractor that is prohibited from (or debarred from) being awarded a contract with the Department of Defense. Expenses of the United States for any such compliance officer shall be charged by the United States to the contractor.

—At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. PROHIBITION ON DEFENSE CONTRACTORS CONVICTED OF FRAUD OR OTHER CONTRACT-RELATED FELONIES.

A defense contractor that is convicted of fraud or any other felony arising out of a contract with the Department of Defense may not be awarded a contract by the Department of Defense for a period of five years from the date of the conviction.

—At the end of part C of title X (page 176, after line 8) add the following new section:

SEC. 1024. STUDY OF THE NUMBER AND VALUE OF DEFENSE CONTRACTS ENTERED INTO WITH BUSINESSES LOCATED ON INDIAN RESERVATIONS.

(a) STUDY.—The Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall carry out a study with respect to the number and value of prime contracts entered into by the Department of Defense during fiscal year 1985 with businesses located in whole or part on Indian reservations.

(b) REPORT.—The Secretary shall transmit, by December 31, 1985, a report to the Congress containing the findings and conclusions of the study carried out under subsection (a), including information describing—

(1) the number and value of prime contracts entered into during fiscal year 1985 by the Department of Defense with—

(A) businesses owned in whole or part by Indians; and

(B) businesses owned in whole or part by an Indian tribe, and

located in whole or part on Indian reservations, with a separate number and value provided for each of the types of business described in clauses (A) and (B), and for each Indian reservation; and

(2) the total number and value of prime contracts entered into by such Department during such fiscal year with such businesses located in whole or part on Indian reservations as compared to the total number and value of all prime contracts entered into by such Department during such fiscal year.

—At the end of title VIII (page 143, after line 19) insert the following new section:

SEC. 802. PROHIBITION ON OFFICERS OR EMPLOYEES OF DEFENSE CONTRACTORS INDICTED FOR, OR CONVICTED OF, CONTRACT-RELATED FELONIES

An officer or employee of a defense contractor who is under indictment for fraud or any other felony arising out of a contract with the Department of Defense shall be personally suspended from working on or supervising a defense contract. Such individual, if convicted, shall be prohibited from contracting for, or employment with, the Department of Defense for a period of five years from the date of the conviction.

—At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. REPORT ON SUSPENSION AND DEBARMENT OF DEFENSE CONTRACTORS.

(a) REQUIRED REPORT.—The Secretary of Defense shall submit to Congress a report on the policies prescribed and actions taken by the Secretary to implement the recommendations contained in the report of the Inspector General of the Department of Defense entitled "Review of Suspension and Debarment Activities Within the Department of Defense", dated May 1984.

(b) COOPERATION WITH THE OFFICE OF INSPECTOR GENERAL.—The report required by subsection (a) shall be prepared in cooperation with the Office of the Inspector General of the Department of Defense.

(c) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

—At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. PROHIBITION ON OFFICERS OR EMPLOYEES OF DEFENSE CONTRACTORS INDICTED FOR, OR CONVICTED OF, CONTRACT-RELATED FELONIES.

An officer or employee of a defense contractor who is under indictment for fraud or any other felony arising out of a contract with the Department of Defense shall be personally suspended from working on or supervising a defense contract. Such individual, if convicted, shall be prohibited from contracting for, or employment with, the Department of Defense for a period of five years from the date of the conviction.

—At the end of title X (page 200, after line 4) insert the following new section:

SEC. 1050. COMPLIANCE OFFICERS FOR PROHIBITED FIRMS.

The Inspector General of the Department of Defense shall assign an independent compliance officer to monitor and report on the performance of a defense contractor that is prohibited from (or debarred from) being awarded a contract with the Department of Defense. Expenses of the United States for any such compliance officer shall be charged by the United States to the contractor.

—At the end of part C of title VIII (page 143, after line 8) add the following new section:

SEC. 1024. STUDY OF THE NUMBER AND VALUE OF DEFENSE CONTRACTS ENTERED INTO WITH BUSINESSES LOCATED ON INDIAN RESERVATIONS.

(a) STUDY.—The Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall carry out a study with respect to the number and value of prime contracts entered into by the Department of Defense during fiscal year 1985 with businesses located in whole or part on Indian reservations.

(b) REPORT.—The Secretary shall transmit, by December 31, 1985, a report to the Congress containing the findings and conclusions of the study carried out under subsection (a), including information describing—

(1) the number and value of prime contracts entered into during fiscal year 1985 by the Department of Defense with—

(A) businesses owned in whole or part by Indians; and

(B) businesses owned in whole or part by an Indian tribe, and

located in whole or part on Indian reservations, with a separate number and value provided for each of the types of business described in clauses (A) and (B), and for each Indian reservation; and

(2) the total number and value of prime contracts entered into by such Department during such fiscal year with such businesses located in whole or part on Indian reservations as compared to the total number and value of all prime contracts entered into by such Department during such fiscal year.

By Mr. DURBIN:
—Page 167, after line 10, insert the following new section:

SEC. 1002. QUARTERLY REPORT ON UNOBLIGATED BALANCES.

(a) REQUIRED QUARTERLY REPORTS.—Not later than 30 days after the date of the enactment of this Act and within 30 days after the end of each fiscal-year quarter thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an estimate of the amount of funds in each appropriation account of the Department of Defense that at the time of the report—

(1) is available for obligation; and

(2) is in excess of the amount needed to carry out the programs for which the funds were appropriated.

(b) MATTERS TO BE INCLUDED.—Each estimate under subsection (a) shall include amounts attributable to—

(1) inflation savings;

(2) foreign currency savings;

(3) excess working capital fund cash; and

(4) all other savings.

(c) UNANTICIPATED INCREASES.—The report shall also identify unanticipated cost increases resulting from adverse economic trends.

By Mr. FOLEY:
—At the end of title III, (page 38, after line 10) add the following new section:

LIMITATION ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. 308. (a) Funds appropriated to the Department of Defense may not be used for the purpose of introducing the United States Armed Forces into or over Nicaragua for combat.

(b) DEFINITION OF COMBAT.—As used in this section, the term "combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(c) EXCEPTIONS TO LIMITATION.—This section does not apply with respect to an introduction of United States Armed Forces into or over Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

(d) EXISTING REQUIREMENTS PRESERVED.—Nothing in this section shall invalidate any requirement of Public Law 93-148.

—At the end of title X, (page 200, after line 4) add the following new section:

LIMITATION ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. 1050. (a) Funds appropriated to the Department of Defense may not be used for the purpose of introducing the United States Armed Forces into or over Nicaragua for combat.

(b) DEFINITIONS OF COMBAT.—As used in this section, the term "combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(c) EXCEPTIONS TO LIMITATION.—This section does not apply with respect to an introduction of United States Armed Forces into or over Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

(d) EXISTING REQUIREMENTS PRESERVED.—Nothing in this section shall invalidate any requirement of Public Law 93-148.

By Mr. GONZALEZ:

—At the end of Title VIII (page 143, after line 19), add the following new section:

SEC. 802. WAR PROFITEERING PROHIBITION ACT.

(a) Section 102 of the Renegotiation Act of 1951 (50 U.S.C. App. 1212) is amended by adding at the end thereof the following:

"(f) CERTAIN AMOUNTS RECEIVED AFTER OCTOBER 1, 1985.—Notwithstanding the provisions of subsection (a), the provisions of this title shall not apply to contracts with Departments, or related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor during the period beginning on October 1, 1985, and ending on the date of the enactment of this subsection.".

(b) The last sentence of section 102(c)(1) of the Renegotiation Act of 1951 (50 U.S.C. App. 1212(c)(1)) is amended to read as follows: "For purposes of this title, the term 'termination date' means September 30, 1988.".

(c) Section 105(a) of the Renegotiation Act of 1951 (50 U.S.C. App. 1215(a)) is amended by inserting after the sixth sentence thereof the following: "The Board shall renegotiate all contracts and subcontracts by division and by major product line within a division of the contractor or subcontractor.".

(d) Section 105(f) of the Renegotiation Act of 1951 (50 U.S.C. App. 1215(f)) is amended—

(1) in paragraph (1), by inserting ", or $4,000,000 in the case of a fiscal year ending after the date of the enactment of the Renegotiation Act Amendments of 1985" after "June 30, 1956" each place it appears therein;

(2) in the second sentence of paragraph (3), by inserting "the $5,000,000 amount," after "the $1,000,000 amount,"; and

(3) in the last sentence of paragraph (3), by striking out "$1,000,000" each place it appears therein and inserting in lieu thereof "$5,000,000".

(e) The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. HERTEL of Michigan:

(To the amendment offered by Mr. Nichols)

—At the end of subsection (a) of section 2324 of title 10, United States Code, as proposed to be added by the amendment, insert the following new paragraph:

"(4)(A) Whoever knowingly submits to the Department of Defense a proposal for settlement of indirect costs for any period after such costs have been accrued that includes a cost that under a contract provision required by paragraph (1) is required to be disallowed and for which the contractor is required to make a payment as described in subparagraph (B)(ii) of that paragraph shall be fined as provided in subparagraph (B) or imprisoned for not more than 10 years, or both.

"(B) A fine under subparagraph (A) shall be not more than—

"(i) $500,000 in the case of an individual; or

"(ii) $1,000,000 in the case of a corporation.

—Page 172, after line 20, insert the following new section:

SEC. 1016. COMMISSION OF DEFENSE PRODUCTION.

(a) ESTABLISHMENT OF COMMISSION.—(1) There is hereby established a commission to be known as the Commission on Defense Production (hereinafter in this section referred to as the "Commission"). The Commission shall review all available evidence, studies, reports, and analyses on defense production and shall recommend to the President and to the Congress ways to improve inefficient rates of defense industrial production and stimulate savings by institutionalizing planning and management practices which incorporate efficient production standards and practices, and determine whether cost and profit margins are appropriate with respect to productivity.

(2) The Commission shall be composed of 12 members as follows:

(A) Six members appointed by the President from among persons who are well qualified to serve as members of the Commission by reason of their education, training, or experience, of whom—

(i) no more than two shall be officers or employees of the Department of Defense or representatives of the defense industry; and

(ii) not less than two shall be economists, management specialists, or cost-benefit analysts in high standing in their profession.

(B) Three members appointed by the President pro tempore of the Senate, two upon the recommendation of the majority leader and one upon the recommendation of the minority leader of the Senate.

(C) Three members appointed by the Speaker of the House of Representatives, two upon the recommendation of the majority leader of the House of Representatives and one upon the recommendation of the minority leader of the House of Representatives.

(D) Each member of the Commission shall be a citizen of the United States.

(3) The President shall designate one member of the Commission appointed under paragraph (2)(A) to serve as Chairman of the Commission.

(4) Eight members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence. The Commission shall meet at the call of the Chairman.

(5) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the manner in which the original appointment was made.

(b) COMMISSION STARTUP.—(1) All members of the Commission shall be appointed not later than 60 days after the date on which funds are first made available for the operation of the Commission.

(2) The Commission shall hold its first meeting not later than 30 days after the date on which the last member is appointed to the Commission.

(c) REPORT.—Not later than one year after the date of the first meeting of the Commission, the Commission shall transmit, at the same time, a report of its findings and recommendations to the President and the Congress. The Commission shall transmit a copy of the report to the Secretary of Defense and the Comptroller General of the United States.

(d) VIEWS OF SECRETARY OF DEFENSE.—The Secretary of Defense shall consider the Commission's findings and recommendations. Not later than 90 days after the date the Commission transmits the report to the President and the Congress under subsection (c), the Secretary shall transmit to the Congress a report on his views and planned actions in response to the report of the Commission.

(e) VIEWS OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall review the Commission's findings and recommendations. Not later than 90 days after the date the Commission transmits the report to the President and the Congress under subsection (c), the Comptroller General shall transmit to the Congress a report on his views and recommendations on the report of the Commission.

(f) EXECUTIVE DIRECTOR AND STAFF.—(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate, subject to the availability of appropriations. No such personnel shall be paid at a rate in excess of the rate of basic pay payable for grade GS-10 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title re-

lating to classification and General Schedule pay rates.

(4) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(g) PAY AND ALLOWANCES.—(1) Members of the Commission appointed from private life may each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay by reason of their service on the Commission.

(2) All members of the Commission shall be reimbursed for travel, as authorized by section 5703 of title 5, United States Code, subsistence, and other necessary expenses incurred in the performance of the duties of the Commission.

(b) ADMINISTRATIVE PROVISIONS.—(1) The Commission or by the authorization of the Commission, any subcommittee thereof or any member authorized by the Commission may, for the purpose of carrying out its functions, hold such hearings that may be required for the performance of its functions.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by the section shall be paid from funds appropriated to the Commission.

(3) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(4) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or detail any of the personnel of such agency to the Commission on a reimbursable basis, to assist the Commission in carrying out its duties under this section unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the Chairman in writing.

(5) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress and the President.

(i) TERMINATION OF COMMISSION.—The Commission shall cease to exist fifteen days after the date the reports required by subsections (d) and (e) are transmitted to the Congress.

—At the end of title VIII (page 143, after line 19), add the following new section:

SEC. 802. AUTHORITY OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE WITH RESPECT TO CERTAIN CONTRACTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2312 the following new section:

"§ 2312a. Inspector General: authority with regard to contract payments.

"(a) In the case of a contract of the Department of Defense with respect to which the Inspector General of the Department of Defense determines—

"(1) based upon audits of the Department of Defense, that there have been excessive charge to the United States by the contractor; and

"(2) that other remedies available to the United States by law and under the contract are insufficient to eliminate promptly waste, fraud, and abuse with respect to the contract,

the Inspector General may immediately suspend payments under the contract, revise the schedule for such payments, or suspend or debar the contractor in order to protect the interests of the United States.

"(b) The Secretary of Defense may, in the interest of national security, overrule any action of the Inspector General under subsection (a). Not later than 30 days after any action by the Secretary under this subsection, the Secretary shall submit to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives a report—

"(1) describing the action of the Inspector General that is being overruled;

"(2) the reason for the decision of the Secretary; and

"(3) the actions being undertaken by the Secretary to eliminate waste, fraud, and abuse in connection with the contract concerned.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2312 the following new item:

"2312a. Inspector General: authority with regard to contract payments.".

By Mr. HOYER:

—At the end of title II (page 29, after line 14) add the following new section:

SEC. 207. SATELLITE SURVIVABILITY ENHANCEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount authorized to be appropriated for the Air Force in section 201(a)(3), there is authorized to be appropriated for the Air Force for fiscal year 1986 for research, development, test, and evaluation $20,000,000 to carry out the satellite survivability project of the Air Force Space Survivability Program.

(b) REPORT.—The Secretary of the Air Force shall transmit, not later than February 1, 1986, to the Committees on Armed Services of the Senate and the House of Representatives a report describing the development of long-term survivability criteria and research investment strategies to improve the survivability of satellites of the United States in view of the current and anticipated capability of the Soviet Union with respect to anti-satellite weapons.

By Mr. HUNTER:

—Page 193, after line 3, insert the following new part (and redesignate Part E and the succeeding sections accordingly):

PART E—STRATEGIC DEFENSE INITIATIVE COMMISSION

SEC. 1041. PURPOSE.

The purpose of this part is to establish a commission on the strategic defense initiative which will assist the United States—

(1) to more definitively delineate the President's objectives for the Strategic Defensive Initiative program, as expressed in his March 23, 1983, speech on that program; and

(2) to revalidate the content of the Strategic Defense Initiative program by determining if its research programs are meeting the objectives set forth by the President.

SEC. 1042. ESTABLISHMENT.

Not later than 30 days after the enactment of this Act, the President shall establish a Strategic Defense Initiative Commission (hereafter in this part referred to as the "Commission").

SEC. 1043. DUTIES.

The duties of the Commission shall be—

(1) to identify those elements of the Strategic Defense Initiative program which can demonstrate the Strategic Defense Initiative's technical feasibility, to determine the timetable for the demonstrations occurring, and to project the costs of those demonstrations;

(2) to determine if the creation of an organizational and administrative project office within the Strategic Defense Initiative Organization (SDIO) of the Department of Defense would provide for better program management to enhance the program's efficiency;

(3) to set milestones for the program; and

(4) to develop a transition plan which provides for a stable incorporation of strategic defense systems into our national security posture in the future.

SEC. 1044. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—(1) The Commission shall be composed of five members appointed by the President. The members shall be selected from among individuals from Federal, State, and local governments, industry, business, academia, the military, and the general population who, by reason of their background, education, training, or experience, possess expertise in national security, scientific and technological pursuits, or the use and implication of the use of such pursuits.

(2) An individual serving in one of the following positions may not be a member of the Commission:

(A) A position in Schedule C of subpart C of part 213 of title 5, Code of Federal Regulations.

(B) A position filled by noncareer executive assignment under subpart F of part 305 of title 5, Code of Federal Regulations.

(C) A position in the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code, other than a career Executive Schedule position.

(b) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) CONTINUATION OF MEMBERSHIP.—If any member of the Commission begins service in a position described in subsection (a)(2), that member may continue as a member of the Commission for not longer than the seven-day period beginning on the date that member begins such service.

(d) TERMS.—Members shall be appointed for the life of the Commission.

(e) BASIC PAY.—(1) Members of the Commission shall each be paid at a rate not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(f) CHAIRMAN.—The Chairman and Vice Chairman of the Commission shall be designated by the President.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 1045. STAFF OF COMMISSION.

The Commission shall appoint and fix the compensation of such personnel as it deems advisable, except that rates for individuals may not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-15 of the General Schedule. The Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities and the supervision of such personnel; and

(2) the use and expenditure of funds available to the Commission.

SEC. 1046. POWERS OF COMMISSION.

(a) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this part. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(b) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 1047. REPORT.

Not later than six months after the date of the enactment of this Act, the Commission shall submit, in both a classified and an unclassified manner, to the President and to each House of the Congress a report of its findings. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 1048. TERMINATION.

The Commission shall cease to exist upon the submission of its final report pursuant to section 1047.

—At the end of part C of title X (page 176, after line 8) insert the following new section:

SEC. 1024. REPORT ON RETENTION OF BASIC POINT DEFENSE MISSILE SYSTEM

(a) REQUIREMENT FOR REPORT BY SECRETARY OF THE NAVY.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the removal of the Basic Point Defense Missile System for naval amphibious vessels.

(b) REPLACEMENT OF THE BASIC POINT DEFENSE MISSILE SYSTEM.—The report shall consider the current plans to replace the Basic Point Defense Missile System on amphibious vessels with the Close in Weapon System.

(2) The report shall include an assessment of the effectiveness of the anti-air warfare capabilities of amphibious vessels. This assessment shall be used by the Secretary of the Navy in considering augmenting rather than replacing the Basic Point Defense Missile System on amphibious vessels with the Close in Weapon System.

(c) LIMITATIONS ON REMOVAL OF BASIC POINT DEFENSE MISSILE SYSTEM.—The Secretary of the Navy may not remove the Basic Point Defense Missile System from amphibious vessels until the report is submitted.

—At the end of title II (page 29, after line 14) insert the following new section:

SEC. 207. ALLIED COOPERATION UNDER SDI RESEARCH CONTRACTS.

(a) ENCOURAGEMENT OF JOINT VENTURES.—The President should, to the maximum extent feasible, seek the cooperation and participation of United States allies in the research and development of technologies that would assist in the Strategic Defense Initiative, taking into account the mutual security need to preserve the integrity and control of critical technologies. To this end, the Secretary of Defense should encourage joint ventures between United States firms and qualified private sector firms within the North Atlantic Treaty Organization, Japan, and Israel.

(b) SAFEGUARDS FOR CRITICAL TECHNOLOGIES.—The Secretary of Defense shall require that appropriate safeguards (as determined by the Secretary) to protect critical technologies from unauthorized transfer to nonalliance nations be agreed to by any firm participating in such a joint venture. In awarding contracts for research and development connected with the Strategic Defense Initiative, the Secretary shall give preference to ventures in which both parties agree to such safeguards.

(c) IMPLEMENTATION.—(1) The Secretary of Defense shall prescribe regulations to carry out the purposes of this section.

(2) The Secretary shall establish a monitoring committee to ensure that the purposes of this section and the safeguards required by this section are implemented.

(3) Paragraphs (1) and (2) may be carried out only after full consultations with the Secretary of State, the Assistant to the President for National Security Affairs, the President's Science Advisor, and such other officials as the President may designate.

—Page 38, after line 10, insert the following new section:

SEC. 308. LIMITATION ON USE OF FUNDS TO DISMANTLE POSEIDON-CLASS SUBMARINE.

No funds appropriated for fiscal year 1986 under any authorization of appropriations in this title may be used to dismantle any Poseidon-class submarine until—

(1) the President submits to the Congress a report with respect to—

(A) the feasibility of transferring the ownership of any such submarine to the United Kingdom; and

(B) if the transfer referred to in subparagraph (A) is not feasible, the feasibility of converting any such submarine into an SSN-type submarine or SSGN-type submarine; and

(2) the 60-day period beginning on the date of the submission of such report to the Congress expires.

—Page 38, after line 10, insert the following new section:

SEC. 308. LIMITATION ON USE OF FUNDS TO DEACTIVATE CERTAIN STRATEGIC WEAPONS.

No funds appropriated or otherwise made available to the Department of Defense may be obligated or expended for the purpose of deactivating or removing from service any Minuteman intercontinental ballistic missile, Poseidon missile, or Poseidon-class submarine for any reason (including compliance with any provision of the agreement between the United States and the Soviet Union on limitation of strategic offensive arms known as the SALT II agreement and signed in Vienna, Austria, on June 18, 1979) until the President certifies to the Congress that the Soviet Union is in full compliance with such agreement.

By Mr. LEVIN of Michigan:

—At the end of title II (page 29, after line 14) insert the following new section:

SEC. 207. IMPLICATIONS OF 1972 ABM TREATY ON THE STRATEGIC DEFENSE INITIATIVE.

(a) FINDINGS.—The Congress finds—

(1) that the President's Commission on Strategic Forces declared in its report to the President, dated March 21, 1984, that "One of the most successful arms control agreements is the Anti-Ballistic Missile Treaty of 1972"; and

(2) that the Secretary of State has stated that the "ABM Treaty requires consultations, and the President has explicitly recognized that any ABM-related deployment arising from research into ballistic missile defense would be a matter for consultations and negotiation between the Parties".

(b) CONGRESSIONAL POLICY.—The Congress, therefore, declares—

(1) that it fully supports the declared policy of the President that a principal objective of the United States in negotiations with the Soviet Union on nuclear and space arms is to reverse the erosion of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed on May 26, 1972 (commonly referred to as the "ABM Treaty"); and

(2) that action by the Congress in approving funds for research on the Strategic Defense Initiative—

(A) does not express or imply an intention on the part of the Congress that the United States should abrogate, violate, or otherwise erode such treaty; and

(B) does not express or imply any determination or commitment on the part of the Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty.

By Mr. LEVINE Of California:

—Insert the following new section at the end of title I (page 22, after line 23):

SEC. 111. REQUIREMENTS WITH RESPECT TO THE BRADLEY FIGHTING VEHICLE.

(a) IN GENERAL.—(1) The Secretary of Defense shall submit a report to the Armed Services Committees of the House of Representatives and the Senate, in both a classified and an unclassified version, with respect to the Bradley Fighting vehicle. Such report shall describe the results of the two phase live fire survivability testing program being carried out with respect to such vehicle.

(2) In Phase 1 of the testing program referred to in paragraph (1), at least 10 live fire tests using anti-armor weapons of the Soviet Union shall be conducted against such vehicle in its present configuration. In Phase 2 of such program, similar tests shall be conducted against such vehicle with enhanced survivability features.

(b) CONTENT OF REPORT.—The report required by this section shall contain the following:

(1) A complete analysis of the results of the testing program referred to in subsection (a), including an accounting of all of the test shots which were fired at such vehicle, the distances from which they were fired, and the effects of such shots.

(2) A description and justification for the measures of merit and the pass/fail criterion used in the testing program.

(3) A justification for exempting from the testing program any overmatch or undermatch weapon which would likely be encountered in combat conditions.

(4) Potential problems that were revealed by the tests and a proposed design modification for remedying such problems.

(5) The estimated unit cost of each proposed survivability modification and the overall program cost for the modifications.

(6) A comparison of the estimated unit cost of the Bradley Fighting Vehicle in both the baseline configuration and the modified configurations.

(c) DATE OF SUBMISSION FOR THE REPORT.—The reports required by this section shall be transmitted as follows:

(1) The report regarding the results of Phase 1 shall be transmitted no later than December 1, 1985.

(2) The report regarding the results of Phase 2 shall be transmitted no later than June 1, 1986.

By Mr. LOWERY of California:

—At the end of title V (page 68, after line 6) add the following new section:

SEC. 533. ELIGIBILITY OF CERTAIN ALIENS FOR JUNIOR ROTC.

Section 2031(b)(1) of title 10, United States Code, is amended by striking out "are citizens or nationals of the United States" and inserting in lieu thereof "who are citizens or nationals of the United States, aliens lawfully admitted to the United States for permanent residence, or aliens admitted as minor children of nonimmigrants described in section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H))".

By Mr. MARKEY:

—Add the following new section at the end of title X (page 200, after line 4):

SEC. 1040. RESTRICTION ON FUNDING FOR STANDARD MISSILE-2.

(a) IN GENERAL.—None of the funds authorized to be appropriated in this Act shall be obligated or expended for research, development, testing, evaluation, or procurement associated with a nuclear variant of the Standard Missile-2(N) (SM-2(N)), the W81 warhead for the Standard Missile-2(N), or any other nuclear warhead for the Standard Missile-2(N).

(b) REPORT.—Not later than February 15, 1986, the Secretary of the Navy shall submit a report to Congress, in both classified and unclassified form, which includes the following information:

(1) A description of the circumstances under which the SM-2(N) would be utilized and an assessment of likely enemy response (including countermeasures).

(2) A description of the release procedures and circumstances under which release would be authorized for employment of the SM-2(N).

(3) An analysis of conventional alternatives to the SM-2(N), including any necessary modification to the SM-2 or alternative to the Standard missile or warhead and the associated costs of those alternatives.

(4) A summary of all studies previously conducted analyzing the impact of the use of a nuclear naval surface-to-air missile on United States Navy vessels and their equipment.

(5) A list of all ships of the United States which would receive the SM-2(N) if it were procured.

(6) The number of additional conventional armed missiles which could be carried by ships of the United States Navy if the SM-2(N) were not deployed and the impact on fleet air defense from that reduced conventional load.

(7) Any plans or programs for the development of a nuclear armed surface-to-air or air-to-air missile for fleet defense other than the SM-2(N).

—Page 151, strike out lines 23 and 24 (relating to authorization of funding for Project 86-D-148, special isotope separation plant (design only)).

Page 153, strike out lines 13 through 15 (relating to authorization of funding for Project 84-D-135, process facility modifications, Richland, Washington).

Page 153, strike out lines 16 through 19 (relating to Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee).

—Page 145, line 15, strike out "$502,445,000" and insert in lieu thereof "$427,645,000".

Page 145, strike out lines 16 and 17, and insert in lieu thereof the following:

(i) no amount may be used for special isotope separation;

Page 145, line 7, strike out "$83,475,000" and insert in lieu thereof "$120,875,000".

Page 145, line 8, insert the following before the period: ", and of which $37,400,000 shall be used to study and improve satellite surveillance capabilities for the purpose of verifying compliance with a negotiated agreement between the Soviet Union and the United States halting the production of plutonium and high-enriched uranium for nuclear weapons".

Page 146, line 7, strike out "$54,325,000" and insert in lieu thereof "$91,725,000".

Page 146, line 8, insert the following before the period: ", and of which $37,400,000 shall be used to augment the activities of the Nuclear Safeguards Technology Laboratory, Los Alamos, New Mexico, for the purpose of improving the International Atomic Energy Agency's safeguards and studying the feasibility of applying them to a negotiated agreement between the Soviet Union and the United States halting the production of plutonium and high-enriched uranium for nuclear weapons."

—Insert the following new section at the end of title X (page 200, after line 4):

SEC. 1050. CEILING ON ANNUAL OUTPUT OF DOE PLUTONIUM PRODUCTION REACTORS.

None of the funds appropriated pursuant to authorizations of appropriations in this or any other Act for national security programs may be obligated or expended for the operation of Department of Energy military plutonium production reactors in a manner which would produce more plutonium in any fiscal year after fiscal year 1985 for Department of Energy national security programs than was produced for such programs in fiscal year 1984.

—Insert the following new section at the end of title IX (page 166, after line 2):

SEC. 936. REPORT ON FUTURE REQUIREMENTS FOR WEAPONS-USEABLE NUCLEAR MATERIALS.

(a) IN GENERAL.—Not later than February 1, 1985, the President shall submit a report to the Congress (in both classified and unclassified form) describing in detail the nature of the military requirement which would justify—

(1) resuming production of highly enriched uranium for weapons purposes; and

(2) diverting plutonium from nonmilitary uses to military uses by enriching it for use in the weapons program.

(b) ADDITIONAL SPECIFIC CONTENTS.—The report should also—

(1) address the feasibility of establishing a reasonable schedule for weapons production by utilizing retirements of the W-31, W-33, B-53, and W-53 nuclear weapons as the primary source of oralloy and plutonium for new weapons;

(2) examine the option of meeting additional military needs for plutonium through blending of fuel-grade with super-grade stocks; and

(3) explore the impact of special isotope separation technology and other weapons-useable material production initiatives on the potential for further nuclear proliferation.

—Insert the following new section at the end of title X (page 200, after line 4):

SEC. 1050. PROHIBITION OF PRODUCTION OF THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE.

(a) LIMITATION OF FUNDS AUTHORIZED FOR FISCAL YEAR 1986.—None of the funds appropriated pursuant to the authorizations of appropriations in this or any other Act may be used for the production of the 155-millimeter artillery-fired, atomic projectile (W-82).

(b) REPEAL OF PRIOR AUTHORIZATION.—Section 1635 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985 (title XVI of Public Law 98-525) is repealed.

(c) LIMITS ON THE PRODUCTION OF 8-INCH ARTILLERY-FIRED ATOMIC PROJECTILES.—The total number of 8-inch artillery-fired atomic projectiles (W-79) produced may not exceed the number allocated for such projectiles in the plan submitted to the Committees on Armed Services of the Senate and House of Representatives on February 4, 1985, by the Secretary of Defense pursuant to the requirement of subsection (c) of section 1635 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985, as in effect on such date.

(d) CONDITIONS APPLIED TO THE MANUFACTURE OF 8-INCH ARTILLERY-FIRED ATOMIC PROJECTILES.—In the case of the 8-inch artillery-fired projectile (W-79), the following conditions shall be complied with:

(1) No such warhead produced after the date of enactment of this Act may be produced in the enhanced-radiation version.

(2) No activity may be undertaken with respect to research, development, testing, evaluation, or production of a component or module which could be inserted into the W-79 warhead to give it an enhanced radiation capability.

(3) In producing such warheads, special emphasis shall be placed upon improvements in the safety, security, range and survivability of such warheads.

(4) Replacement of obsolete artillery-fired atomic projectiles now in Europe shall be carried out within the nuclear stockpile limits agreed to by NATO Defense Ministers at Montebello, Canada, in October 1983, which required the withdrawal of 1,400 tactical nuclear warheads from the European stockpile in addition to the 1,000 warheads withdrawn in 1980.

—Add the following new section at the end of title X (page 200, after line 4):

SEC. 1050. RESTRICTION ON FUNDING FOR MX MISSILE WARHEAD.

None of the funds appropriated pursuant to an authorization provided in this or any other Act for national security programs may be obligated or expended for the production of more than 425 W87 warheads for the MX missile program.

—Add the following new section at the end of title IX (page 166, after line 2):

SEC. 935. PROHIBITION ON FUNDING FOR SMALL ATOMIC DEMOLITION MUNITION.

None of the funds appropriated pursuant to an authorization provided in this title may be obligated or expended for any activity carried out with respect to the small atomic demolition munition (SADM).

—Add the following new section at the end of title X (page 200, after line 4):

SEC. 1050. RESTRICTION ON FUNDING ON TRIDENT II WARHEAD.

No funds appropriated pursuant to an authorization provided in this or any other Act for national security programs may be obligated or expended for the production or deployment of any warhead/reentry body combination other than the W76/Mark 4 warhead/reentry body combination for the Trident II (D-5) missile program.

By Mr. NICHOLS:

—At the end of title III (page 38, after line 10), insert the following new section:

SEC. 308. SPECIFICATION OF CORE-LOGISTICS FUNCTIONS SUBJECT TO CONTRACTING-OUT LIMITATION.

(a) IN GENERAL.—A function of the Department of Defense described in subsection (b) shall be deemed for the purposes of section 307(b) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2514), to be a logistics activity identified by the Secretary of Defense under section 307(a)(2) of such Act as necessary to maintain the logistics capability of the Department of Defense described in section 307(a)(1) of such Act.

(b) DESCRIPTION OF FUNCTIONS.—The functions to which subsection (a) applies are the following:

(1) Depot level distribution and maintenance of mission-essential materiel at the following activities of the Army:

Anniston Army Depot, Anniston, Alabama.

Corpus Christi Army Depot, Corpus Christi, Texas.

Crane Army Ammunition Plant, Crane, Indiana.

Fort Wingate Army Depot, Gallup, New Mexico.

Letterkenny Army Depot, Letterkenny, Pennsylvania.

Lexington-Blue Grass Army Depot, Lexington, Kentucky.

McAlester Army Ammunition Plan, McAlester, Oklahoma.

New Cumberland Army Depot, Harrisburg, Pennsylvania.

Pueblo Army Depot, Pueblo, Colorado.

Red River Army Depot, Texarkana, Texas.

Rock Island Arsenal, Rock Island, Illinois.

Sacramento Army Depot, Sacramento, California.

Savanna Army Depot, Savanna, Illinois.

Seneca Army Depot, Romulus, New York.

Sharpe Army Depot, Stockton, California.

Sierra Army Depot, Herlong, California.

Tobyhanna Army Depot, Tobyhanna, Pennsylvania.

Tooele Army Depot, Tooele, Utah.

Umatilla Army Depot, Umatilla, Oregon.

Watervliet Arsenal, Watervliet, New York.

(2) Depot-level distribution and maintenance of mission-essential materiel at the following activities of the Navy:

Naval Air Rework Facility, Alameda, California.

Naval Air Rework Facility, Cherry Point, North Carolina.

Naval Air Rework Facility, Jacksonville, Florida.

Naval Air Rework Facility, Norfolk, Virginia.

Naval Air Rework Facility, Pensacola, Florida.

Naval Air Rework Facility, North Island, San Diego, California.

Naval Aviation Supply Office, Philadelphia, Pennsylvania.

Naval Construction Battalion Center, Davisville, Rhode Island.

Naval Construction Battalion Center, Gulfport, Mississippi.

Naval Construction Battalion Center, Port Hueneme, California.

Naval Electronics Systems Engineering Center, San Diego, California.

Naval Ordnance Station, Indian Head, Maryland.

Naval Ordnance Station, Louisville, Kentucky.

Naval Shipyard, Charleston, South Carolina.

Naval Shipyard, Norfolk, Virginia.

Naval Shipyard, Long Beach, California.

Naval Shipyard, Mare Island, California.

Naval Shipyard, Philadelphia, Pennsylvania.

Naval Shipyard, Portsmouth, Kittery, Maine.

Naval Shipyard, Pearl Harbor, Hawaii.

Naval Shipyard, Puget Sound, Bremerton, Washington.

Naval Ship Repair Facility, Guam.

Naval Supply Center, Charleston, South Carolina.

Naval Supply Center, Jacksonville, Florida.

Naval Supply Center, Norfolk, Virginia.

Naval Supply Center, Oakland, California.

Naval Supply Center, Pearl Harbor, Hawaii.

Naval Supply Center, Puget Sound, Bremerton, Washington.

Naval Supply Center, San Diego, California.

Naval Undersea Warfare Engineering Station, Keyport, Washington.

Naval Weapons Station, Charleston, South Carolina.

Naval Weapons Station, Colts Neck, Earle, New Jersey.

Naval Weapons Station, Concord, California.

Naval Weapons Station, Seal Beach, California.

Naval Weapons Station, Yorktown, Virginia.

Naval Weapons Station Center Crane, Indiana.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania.

TRIDENT Refit Facility, Bangor, Bremerton, Washington.

(3) Depot-level distribution and maintenance of mission-essential material at the following activities of the Marine Corps:

Marine Corps Logistics Base, Albany, Georgia.

Marine Corps Logistics Base, Barstow, California.

(4) Depot-level distribution and maintenance of mission-essential material at the following activities of the Air Force:

Aerospace Guidance and Meteorology Center, Newark Air Force Station, Ohio.

Ogden Air Logistics Center, Hill Air Force Base, Utah.

Oklahoma City Air Logistics Center, Tinker Air Force Base, Oklahoma.

Sacramento Air Logistics Center, McClellan Air Force Base, California.

San Antonio Air Logistics Center, Kelly Air Force Base, Texas.

Warners Robins Air Logistics Center, Robins Air Force Base, Georgia.

(5) Depot-level distribution and maintenance of mission-essential equipment at the following activities of the Defense Logistics Agency:

Defense Construction Supply Center, Columbus, Ohio.

Defense Depot Mechanicsburg, Mechanicsburg, Pennsylvania.

Defense Depot Memphis, Memphis, Tennessee.

Defense Depot Ogden, Ogden, Utah.

Defense Depot Tracy, Tracy, California.

Defense Electronics Supply Center, Dayton, Ohio.

Defense General Supply Center, Richmond, Virginia.

Defense Industrial Plant Equipment Center, Memphis, Tennessee.

Defense Industrial Supply Center, Philadelphia, Pennsylvania.

Defense Logistics Service Center, Battle Creek, Michigan.

Defense Subsistence Office, Bayonne, New Jersey.

(6) Depot-level distribution and maintenance of mission-essential materiel at the following activities the Defense Mapping Agency:

Aerospace Center, Kansas City Field Office, Kansas City, Missouri.

Aerospace Center, St. Louis AFS, Missouri.

Office of Distribution Services, Brookmont, Maryland.

Office of Distribution Services, Clearfield, Utah.

Office of Distribution Services, Philadelphia, Pennsylvania.

(c) MATTERS INCLUDED WITHIN SPECIFIED FUNCTIONS.—The functions described in subsection (b) include—

(1) the facilities and equipment at the activities listed in that subsection; and

(2) the Government personnel who manage and perform the work at those activities.

(d) EXCLUSION OF CERTAIN FUNCTIONS.—Subsection (b) does not include any function that on the date of the enactment of this Act—

(1) is being performed under contract by non-Government personnel; or

(2) has been announced to Congress for review for conversion to performance by non-Government personnel under Office of Management and Budget Circular A-76.

(e) DEFINITION.—For the purposes of this section, the term "mission-essential materiel" means all materiel which is authorized and available to combat, combat support, combat service support, and combat readiness training forces to accomplish their assigned mission.

(f) TECHNICAL AMENDMENT.—Section 308(b)(4) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2515), is amended by striking out "30-day period" and inserting in lieu thereof "20-day period".

By Mr. PANETTA:

—Insert the following at the end of part C of title X (page 176, after line 8):

SEC. 1024. REPORT ON RETIREMENT BENEFITS OF PHILIPPINE SCOUTS.

(a) IN GENERAL.—The Secretary of the Army (hereinafter in this section referred to

as the "Secretary") shall conduct a study of—

(1) the disparity between the pay received by members of the Philippine Scouts who served during World War II and the pay received by other members of the United States Army during such war who had grades and lengths of service that correspond to the grades and lengths of service of such members of the Philippine Scouts; and

(2) the effect of this disparity on the retirement benefits of such members of the Philippine Scouts and their survivors.

(b) PARTICULAR SUBJECTS OF THE STUDY.—In carrying out such study, the Secretary shall—

(1) compile a list of all persons who served as members of the Philippine Scouts during the period beginning December 7, 1941, and ending December 31, 1946;

(2) compile a list of persons described in paragraph (1) who are alive on the date of enactment of this Act;

(3) determine the amount of basic pay each person described in paragraph (2) received for services rendered as a member of the Philippine Scouts during the period described in such paragraph and compare it to the amount of basic pay each such person would have received as a member of the Philippine Scouts during that period if the rates of basic pay during such period for the Philippine Scouts had been the same as the rates of basic pay for other members of the United States Army with corresponding grades and length of service during such period;

(4) determine the amount of retired pay that each person described in paragraph (2) is entitled to receive as retired pay from the Army as a result of service rendered as a Philippine Scout and compare it to the amount such person would receive with respect to periods beginning after the date of enactment of this Act if the rate of basic pay payable to such person during the period described in paragraph (1) had been the rate of basic pay payable to any other member of the United States Army with the corresponding grade and length of service during such period; and

(5) determine possible options, and the costs of each, for recalculating the retirement pay of persons described in paragraph (2), including survivor benefits, in order to remedy the disparity in pay received by such persons during their service as Philippine Scouts.

(c) REPORT.—(1) The Secretary shall transmit, within one year after the date of enactment of this Act, to the Armed Services Committees of the Senate and House of Representatives a report containing the findings and conclusions of the Secretary with respect to each of the matters described in paragraphs (1) through (5) of subsection (b).

(2) If the Secretary determines that—

(A) the documents necessary to compile the lists and make the determinations under subsection (b) are not attainable through reasonable efforts; or

(B) the cost of compiling such lists and making such determinations is excessive,

the Secretary shall make a report as soon as practicable to such Committees with a justification of such determination.

(3) If a report is made to the Committees under paragraph (2), the report to such Committees under paragraph (1) shall be based on the best information that can be reasonably obtained without excessive costs.

By Mr. PARRIS:

—Add the following section at the end of title X (page 200, after line 4):

SEC. 1050. ESTABLISHMENT OF MINIMUM AGE WITH RESPECT TO THE PURCHASE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Section 2683 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(c)(1) Except as provided in paragraphs (2) and (3), the minimum age, as defined in paragraph (4)(B), established by a State law shall be established and enforced as the minimum age on military installations located in that State.

"(2) In the case of any military installation located—

"(A) in more than one State; or

"(B) in one State but within 40 miles of another State, Mexico, or Canada,

the Secretary concerned may establish and enforce the minimum age established by the State law, Mexican law, or Canadian law, as the case may be, that has the lower minimum age.

"(3)(A) The commanding officer of a military installation may grant temporary exemptions to the requirement of paragraph (1) if such officer determines that such exemption is justified by special circumstances, as defined in regulations by the Secretary of Defense.

"(B) Each commanding officer of each military installation shall submit a report every six months to the Secretary concerned containing a description of the nature, duration, and justification of each exemption made by such office under subparagraph (A) during the six-month period immediately preceding the month in which the report is filed. The first such report shall be submitted no later than 300 days after the date of the enactment of this subsection.

"(C) Each report made pursuant to subparagraph (B) shall be transmitted by the Secretary concerned to the Secretary of Defense within 30 days after the receipt of such report.

"(D) as soon as practicable after receiving the first transmittal of reports from all of the Secretaries concerned under subparagraph (C), the Secretary of Defense shall transmit to the Congress a report containing—

"(i) the first report submitted by each Secretary concerned under subparagraph (C);

"(ii) the military installations affected by paragraph (2); and

"(iii) any information with respect to any administration or other problem resulting from the application of the provisions of this subsection.

"(E) After the transmittal of the report under subparagraph (D), the Secretary of Defense shall transmit reports under this subsection to Congress only when requested by the Chairman and ranking minority member of either the Committee on Armed Services of the Senate or of House of Representatives.

"(4) As used in this subsection:

"(A) 'State' means each of the several States and the District of Columbia; and

"(B) 'minimum age' means the minimum age or ages established for persons who may purchase, possess, or consume alcoholic beverages.".

(b) CONFORMING AMENDMENTS.—(1) Section 2683(b) of such title is amended by striking out "section" in subsection (b) and inserting in lieu thereof "subsection (a)".

(2) Section 6 of the 1951 Amendments to the Universal Military Training and Service Act (50 U.S.C. App. 473) is amended by striking out "The" in the first sentence and inserting in lieu thereof "Subject to section 2683 of title 10, United States Code, the".

"(c) TECHNICAL AMENDMENTS.—(1) The section heading for section 2683(c) of title 10, United States Code, is amended to read as follows:

"§ 2683. Relinquishment of legislative jurisdiction; minimum age for the purchase and consumption of alcoholic beverages."

(2) The item for section 2683 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"§ 2683. Relinquishment of legislative jurisdiction; minimum age for the purchase and consumption of alcoholic beverages."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

By Mr. RUDD:

—At the end of title X add the following new section:

SEC. 1050. STUDY BY SECRETARY OF DEFENSE.

The Secretary of Defense shall make a study of the desirability of reinstating the death penalty as an alternative penalty for persons convicted of espionage relating to the national defense, and report to the Congress the results of such study, together with any related recommendations for legislation, not later than the thirtieth day beginning after the date of the enactment of this Act.

By Mr. SAVAGE:

—Page 29, after line 14, insert the following new section:

SEC. 207. CONDITION ON RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION.

(a) IN GENERAL.—Except as provided in subsection (b), not less than 5 percent of the amounts appropriated pursuant to authorizations made by this title shall be expended for contracts entered into with small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined by section 8 of the Small Business Act and regulations issued under such section), historically Black colleges and universities, and minority institutions (as defined by the Secretary of Education pursuant to the general Education Provisions Act).

(b) EXCEPTION.—After the Secretary of Defense has set aside the amount referred to in subsection (a) to be used for the purposes described in such subsection, the Secretary may use any of such amounts for authorized research, development, testing, or evaluation contracts other than those described in such subsection if each such contract is justified on a case-by-case basis and a report is submitted to Congress describing such justification no later than 60 days before such contract is entered into.

By Mr. SAVAGE:

—Page 22, after line 23, insert the following new section:

SEC.111. CONDITION ON PROCUREMENT.

(a) IN GENERAL.—Except as provided in subsection (b), not less than 10 percent of the amount appropriated pursuant to the authorizations made by this title shall be expended for contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals,

as defined in section 8 of the Small Business Act and regulations issued pursuant to such section.

(b) EXCEPTION.—After the Secretary of Defense has set aside the amount referred to in subsection (a) to be used for the purposes described in such subsection, the Secretary may use any of such amounts for authorized procurement contracts other than those described in such subsection if each such contract is justified on a case-by-case basis and a report is submitted to Congress describing such justification no later than 60 days before such contract is entered into.

By Mrs. SCHROEDER:

—At the end of part B of title X (page 172, after line 20) insert the following new section:

SEC. 1016. CONTINUED OPERATION BY THE SECRETARY OF DEFENSE OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM.

(a) AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.—(1) Sections 202(e), 208, 302, and 401(f) of the Department of Education Organization Act (20 U.S.C. 3412(e), 3418, 3442, and 3461(f)) are repealed.

(2) Section 419(a) of such Act (20 U.S.C. 3479(a)) is amended—

(A) by striking out "(1)" after "(a)"; and

(B) by striking out paragraph (2).

(3) Section 503(a) of such Act (20 U.S.C. 3503(a)) is amended—

(A) by striking out "(1)" after "(a)"; and

(B) by striking out paragraph (2).

(4) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 208 and 302.

(5) Section 414(b) of such Act (20 U.S.C. 3474(b)) is amended by striking out "302,".

(b) AMENDMENTS TO DEFENSE DEPENDENTS' EDUCATION ACT OF 1978.—(1) Section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Defense shall consult with the Secretary of Education on the educational programs and practices of the defense dependents' education system.".

(2)(A) Subsection (a)(1) of section 1410 of such Act (20 U.S.C. 928) is amended by adding at the end thereof the following new sentence: "The membership of each such advisory committee shall also include one nonvoting member designated by the organization recognized as the exclusive bargaining representative of the employees working at the school.".

(B) The first sentence of subsection (b) of such section is amended by striking out "Members" and inserting in lieu thereof "Except in the case of a nonvoting member designated under the last sentence of subsection (a)(1), members".

(C) The second sentence of such subsection is amended by striking out "The Secretary of Education, in consultation with the Secretary of Defense," and inserting in lieu thereof "The Secretary of Defense."

(3)(A) Subsection (a) of section 1411 of such Act (20 U.S.C. 929) is amended to read as follows:

"(a)(1) There is established in the Department of Defense an Advisory Council on Dependants' Education (hereinafter in this section referred to as the 'Council'). The Council shall be composed of—

"(A) the Secretary of Defense and the Secretary of Education, or their respective designees;

"(B) 12 individuals appointed jointly by the Secretary of Defense and the Secretary of Education who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, and parents of students enrolled in the defense dependents' education system, and one student enrolled in such system; and

"(C) a representative of the Secretary of Defense and of the Secretary of Education.

"(2) Individuals appointed to the Council from professional employee organizations shall be individuals designated by those organizations.

"(3) The Secretary of Defense, or the Secretary's designee, and the Secretary of Education, or the Secretary's designee, shall serve as cochairmen of the Council.

"(4) The Director shall be the Executive Secretary of the council.".

(4) Subsection (b)(1) of such section is amended by inserting "the Secretary of Defense and" before "the Secretary of Education".

(5) Subsection (c) of such section is amended—

(A) by striking out "at least four times each year" and inserting in lieu thereof "at least two times each year";

(B) by striking out paragraph (2);

(C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(D) by striking out "Secretary of Eduction" in paragraph (4) (as redesignated by subparagraph (C) of this paragraph) and inserting in lieu thereof "Secretary of Defense".

(c) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by striking out "Administrator of Education for Overseas Dependents, Department of Education.".

—At the end of the bill add the following new section:

Sec. . FREEZE AT 1985 APPROPRIATION LEVEL.

The total amount appropriated pursuant to the authorizations of appropriations in this Act may not exceed $214,836,235,000.

—Page 43, after line 21, insert the following new section:

SEC. 503. EXERCISE OF CERTAIN AUTHORITIES RELATING TO CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE.

For purposes of civilian employees of the Department of Defense, the Secretary of Defense shall exercise the following authorities:

(1) Authorities assigned to the Director of the Office of Personnel Management under section 5.2(a) of Executive Order Number 10577 (5 U.S.C. 3301 note), relating to investigation of the suitability of applicants.

(2) Authorities assigned to the Office of Personnel Management under Executive Order Number 10450 (5 U.S.C. 7311 note), relating to security requirements for Federal employees.

—Page 166, after line 2, insert the following title (and redesignate the succeeding title and sections accordingly):

TITLE X—MILITARY FAMILY POLICY AND PROGRAMS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Military Family Act".

SEC. 1002. OFFICE OF FAMILY POLICY.

(a) ESTABLISHMENT.—There is hereby established in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the "Office"). The Office shall be under the Assistant Secretary of Defense designated on May 1, 1985, as the Assistant Secretary of Defense for Manpower, Installations, and Logistics.

(b) DUTIES.—The Office shall coordinate programs and activities of the military departments relating to military families and shall make recommendations to the Secretaries of the military departments with respect to programs, activities, and policies relating to military families.

(c) REPORT.—The Secretary of Defense shall report to Congress, no later than September 30, 1986. The report shall include—

(1) a description of the activities of the Office and the composition of its staff; and

(2) the recommendations of the Office for legislative and administrative action to enhance the well-being of military families.

SEC. 1003. TRANSFER OF MILITARY FAMILY RESOURCE CENTER.

The Military Family Resource Center of the Department of Defense is hereby transferred from the Office of the Assistant Secretary of Defense for Health Affairs to the Office of the Assistant Secretary of Defense designated on May 1, 1985, as the Assistant Secretary of Defense for Manpower, Installations, and Logistics.

SEC. 1004. SURVEYS OF MILITARY FAMILIES.

The Secretary of Defense may conduct surveys, without clearance from any other Federal agency, to determine the effectiveness of existing Federal programs relating to military families and the need for new programs.

SEC. 1005. FAMILY MEMBERS SERVING ON ADVISORY COMMTITEES.

A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

SEC. 1006. EMPLOYMENT OPPORTUNITIES FOR MILITARY SPOUSES.

The Secretary of Defense shall issue regulations to ensure that—

(1) notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the Armed Forces whose permanent duty stations are in the same geographic area as the area in which the position is located;

(2) the spouse of a member of the Armed Forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member;

(3) the qualified spouse of a member of the Armed Forces stationed outside the United States may be appointed to a vacant position in the Department of Defense in the same geographic area as the permanent duty station of the member without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(4) all Department of Defense nonappropriated fund activities give preference in hiring to dependents of members of the Armed Forces stationed in the same geographic area as the nonappropriated fund activity.

SEC. 1007. YOUTH SPONSORSHIP PROGRAM.

The Secretary of Defense shall provide for the establishment at each military installation of a youth sponsorship program

to facilitate the integration of dependent children of members of the Armed Forces into new surroundings when relocation to that military installation is a result of a permanent change of station. Such a program shall provide for involvement of dependent children of members stationed at the military installation.

SEC. 1008. STUDENT TRAVEL WITHIN THE UNITED STATES.

Funds available to the Department of Defense for the travel and transportation of dependent students of military personnel stationed overseas may be obligated for transportation allowances for travel within or between the contiguous United States.

SEC. 1009. RELOCATION AND HOUSING.

(a) RELOCATION ASSISTANCE.—The Secretary of Defense may, subject to available appropriations, enter into contracts with firms which provide assistance to individuals relocating from one geographic area to another to provide such assistance to members of the uniformed services and members of their families.

(b) AMORTIZATON PERIOD FOR PARKING FACILITIES FOR HOUSE TRAILERS AND MOBILE HOMES.—Subsection (k) of section 403 of title 37, United States Code, is amended by striking out "15-year period" and inserting in lieu thereof "25-year period".

(c) COST OF UNACCOMPANIED PERSONNEL HOUSING FOR MEMBERS OF UNIFORMED SERVICE.—Section 5911 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) A member of the uniformed service on a permanent change of duty station or temporary duty orders and occupying unaccompanied personnel housing—

"(1) is exempt from the requirement of subsection (c) to pay a rental rate or charge based on the reasonable value of the quarters and facilities provided; and

"(2) shall pay such lesser rate or charge as the Secretary of Defense establishes by regulation.".

SEC. 1010. FOOD PROGRAMS.

(a) FOOD COSTS FOR CERTAIN ENLISTED MEMBERS.—Section 1011 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Enlisted members in pay grades E-1, E-2, E-3, and E-4, and members of their immediate families, may not be charged for meals sold at messes in excess of a level sufficient to cover food costs.".

(b) REIMBURSEMENT FOR FOOD AT CHILD CARE FACILITIES OVERSEAS.—The Secretary of Defense shall provide payments, from appropriated funds, to military child care facilities overseas for reimbursement of the costs of food and food preparation. The amounts of such payments shall be determined in the same manner as payments provided by the Secretary of Agriculture for reimbursement to child care facilities in the United States under section 17 of the National School Lunch Act (42 U.S.C. 1766).

(c) REPORT ON ISSUING FOOD STAMP COUPONS TO OVERSEAS HOUSEHOLDS OF MEMBERS STATIONED OUTSIDE THE UNITED STATES.—The Secretary of Defense shall submit a report to Congress not later than December 31, 1985, on the feasibility of having the Department issue food stamp coupons to overseas households of members stationed outside the United States. The report shall include—

(1) an estimate of the cost of providing the coupons; and

(2) legislative and administrative recommendations for providing for the issuance of the coupons.

SEC. 1011. REPORTING OF CHILD ABUSE.

(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the Armed Forces (or the spouse of the member).

(b) DEFINITION.—For purposes of this section the term "child abuse and neglect" shall have the same meaning as provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

SEC. 1012. MISCELLANEOUS REPORTING REQUIREMENTS.

(a) HOUSING AVAILABILITY.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the availability and affordability of off-base housing for members of the Armed Forces and their families.

(2) The report shall—

(A) examine the availability of affordable housing for each pay grade and for all geographic areas within the United States and for appropriate overseas locations; and

(B) examine the relocation assistance provided by the Department of Defense incident to a permanent change of station by a member of the Armed Forces in locating housing at the member's new duty station and in disposing of housing at the member's old duty station.

(b) NEED FOR ASSISTANCE TO DEPENDENTS ENTERING NEW SECONDARY SCHOOLS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report recommending administrative and legislative action to assist families of members of the Armed Forces making a permanent change of station so that a dependent child who transfers between secondary schools with different graduation requirements is not subjected to unnecessary disruptions in education or inequitable, unduly burdensome, or duplicative education requirements.

SEC. 1013. EFFECTIVE DATE.

This title shall take effect on October 1, 1985.

By Mr. DENNY SMITH:

—Insert the following at the end of part B of title X (page 172, after line 20):

SECTION 1016. BASE CLOSURES AND REALIGNMENTS.

(a) IN GENERAL.—Subsection (a) of section 2687 of title 10, United States Code, is amended—

(1) by striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) any closure of a military installation or realignment with respect to a military installation if, as determined by the Secretary of Defense, the number of civilians employed on the installation at the time of the Secretary's administrative decision regarding the closure or realignment is equal to or greater than one percent of the number of civilians employed at such time in the region in which the installation is located; or"; and

(2) by redesignating clause (3) as clause (2) and by striking out "or (2)" in such clause both places it appears.

(b) ACTIONS TO BE TAKEN BEFORE CLOSURE OR REALIGNMENT.—Subsection (b) of such section is amended—

(1) in clause (3)—

(A) by striking out "final"; and

(B) by striking out "and a detailed" and all that follows through "realignment" and inserting in lieu thereof ", a concise statement of the Secretary's findings concerning the socioeconomic impact of the proposed closure or realignment, and a succinct justification for the proposed closure or realignment with respect to the cost-effectiveness, strategic, and operational aspects of the closure or realignment;"; and

(2) in clause (4)—

(A) by striking out "60" and inserting in lieu thereof "30";

(B) by inserting "statement and" before "justification"; and

(C) by striking out "has" and inserting in lieu thereof "have".

(c) DEFINITIONS.—Subsection (d) of such section is amended—

(1) by striking out clause (1) and inserting in lieu thereof the following:

"(1) 'Military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam."; and

(2) by adding the following before the period at the end of clause (2): ", base operating support personnel, and nonappropriated fund personnel".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any closure or realignment of a military installation that is first publicly announced after January 1, 1986.

By Mr. SIKORSKI:

(To the amendment offered by Mr. NICHOLS.)

—Strike out section 1017 of the material proposed to be inserted by the Nichols amendment and insert in lieu thereof the following:

SEC. 1017. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor or subcontractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority of the Secretary of Defense under this subsection shall be promptly delegated to each of the following:

"(A) An officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(B) The director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts.".

—Page 172, after line 20, insert the following new section:

SEC. 1016. REPORT ON CIVILIAN DEFENSE PROCUREMENT.

(a) REPORT.—The General Accounting Office shall conduct a study of the methods by which weapon system acquisition could be managed by civilian personnel. Within 180 days after the date of enactment of this Act, such Office shall transmit a report to the Congress containing the findings and conclusions reached as a result of such study.

(b) DEFINITION.—For purposes of subsection (a), "weapon system acquisition" means the development and procurement of

weapon systems to be utilized by the Department of Defense, including all initial components, spare or replacement parts, hardware, software, and associated equipment, which function together to give the weapon system the capability to carry out the mission for which it is developed and procured.

(To the amendment offered by Mr. NICHOLS.)

—At the end of section 1016 of the material proposed to be inserted by the Nichols amendment, insert the following new subsection:

(d) APPLICABILITY TO SUBCONTRACTS.—The regulations of the Secretary of Defense required to be issued under subsection (b) shall require, to the maximum extent possible, that the provisions of section 2423 of title 10, United States Code, as added by subsection (a), shall apply to all subcontractors of any covered contract, as that term is defined in such section.

(To the amendment offered by Mr. NICHOLS.)

—In section 1016 of the material proposed to be inserted by the Nichols amendment, insert ", including legal fees" after "Professional and consulting services" in subsection (d)(2)(H) of the section 2324 of title 10, United States Code, which is added by subsection (a) of such section 1016.

(Substitute amendment for the amendment offered by Mr. NICHOLS.)

—Page 142, strike out line 9 and insert in lieu thereof the following (and redesignate the succeeding section accordingly):

TITLE VIII—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

SEC. 801. SHORT TITLE.

This title may be cited as the "Defense Procurement Waste and Abuse Prevention Act of 1985".

SEC. 802. PURPOSES.

The purposes of this title are—

(1) to ensure that items of indirect costs included by a contractor or a subcontractor of the Department of Defense in any contract awarded by the Secretary of Defense are monitored by the Secretary to prevent abuse and waste of Federal funds and to ensure that such costs do not include items of expenditures for reimbursement that are not reasonably related to the contract and subcontract; and

(2) to place the burden on the contractor (including the contractor's officers and employees) claiming reimbursement or payment for any indirect costs payable to such contractor under a defense contract or subcontract to show that such costs are reasonable and allowable and to ensure that all such requests are made in accordance with the amendments made by this title and other applicable provisions of law and regulations.

SEC. 803. ALLOWABLE COSTS.

(a) REGULATION OF ALLOWABLE COSTS PAYABLE TO DEFENSE CONTRACTORS.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Allowable costs under defense contracts

"(a)(1) The Secretary of Defense shall require that all covered contracts comply with the requirements of this title and that no contractor receives payment for indirect costs not allowed by or under this title. The Secretary shall also require that if a contractor submits to the Department of Defense a proposal (at the time of final settlement of contract costs or at any other time) covering any indirect cost incurred by the contractor for any period after such costs have been accrued which includes, as determined by the Secretary of Defense, the submission of one or more indirect costs that are specified by statute (other than this paragraph) or regulation as unallowable—

"(A) all costs, including such unallowable indirect costs, covered by that proposal shall be disallowed by the Secretary; and

"(B) the Secretary shall require the contractor to pay to the United States an amount equal to the greater of $10,000 or—

"(i) the amount of the indirect cost unallowable under such statute or regulation, plus interest; or

"(ii) if the cost is of a type that has been finally determined, before the submission of such proposal, to be expressly unallowable to that contractor, an amount equal to twice the amount of such unallowable indirect cost, plus interest.

"(2) An action by the Secretary under a contract provision required by paragraph (1) to disallow a cost and to require payment of a contractor—

"(A) shall be considered a final decision for purposes of section 6 of the Contracts Dispute Act of 1978 (41 U.S.C. 605); and

"(B) shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(3) Interest under paragraph (1) shall be computed—

"(A) from the date on which the cost is submitted to the Secretary; and

"(B) at the applicable rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

"(b) The following costs are not allowable indirect costs under a covered contract:

"(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(2) Costs incurred to influence (directly or indirectly)—

"(A) congressional action on any legislation or appropriations matters pending before Congress or a State; or

"(B) executive branch action on any regulatory or contract matter pending before an executive branch agency (other than reasonable and necessary costs incurred in preparing a contract submission or proposal in response to any solicitation).

"(3) Costs incurred in defense of any civil or criminal fraud proceeding or similar proceeding (including filing of any false certification) brought by the United States where the contractor is found liable for fraud or has pleaded nolo contendere to a charge of fraud or similar proceeding (including filing of false certification).

"(4) Payments of fines and penalties resulting from violations of, or failure to comply with, Federal, State, local, or foreign laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer authorizing in advance such payments in accordance with applicable regulations of the Secretary of Defense.

"(5) Costs of membership in any social, dining, or country club or organization.

"(6) Costs of bulk purchases of alcoholic beverages.

"(7) Contributions or donations, regardless of the recipient.

"(8) Costs of advertising designed to promote the contractor or its products.

"(9) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(10) Other cost items identified by regulation which the Secretary of Defense shall prescribe by regulation under this section.

"(11) Except as provided in subsection (c), costs for travel by aircraft to the extent that such costs exceed the amount of the standard commercial fare for travel by air common carrier between the points involved.

"(c)(1) Subsection (b)(11) may be waived by the contracting officer if the officer determines that travel by air common carrier at standard fare—

"(A) would require travel at unreasonable hours;

"(B) would excessively prolong travel;

"(C) would result in overall increased costs that would offset potential savings from travel at standard commercial fare; or

"(D) would not meet physical or medical needs of the person traveling.

"(2) Subsection (b)(11) may be waived by the contracting officer if the officer determines that travel by aircraft other than a common carrier—

"(A) is—

"(i) specificially authorized under the contract; or

"(ii) impractical; and

"(B) is for business purposes and requires the use of such aircraft.

"(3) Costs for air travel in excess of that allowed by subsection (b)(11) may only be allowed by reason of one of the exceptions contained in paragraph (1) or by reason of paragraph (2) if the exception is fully documented and justified, including, in the case of an exception under paragraph (2), full documentation of the use of the aircraft for business purposes. Any waiver by the contracting officer shall be made in writing in advance of the travel or at such other times as the officer considers reasonable.

"(d)(1) The Secretary of Defense shall prescribe regulations, consistent with requirements of subsection (b), to establish criteria for the allowability of indirect contractor costs under Department of Defense contracts. Such regulations shall be prescribed as part of the Department of Defense supplement to the Federal Acquisition Regulation. In developing specific criteria for the allowability of such costs, the Secretary shall consider whether reimbursement of such costs by the United States is in the best interest of the United States and consistent with the requirements of subsection (b). Such regulations—

"(A) shall define and interpret in reasonable detail and specific terms those indirect costs, including the cost requirements of subsection (b), that are unallowable and allowable under contracts entered into by the Department of Defense; and

"(B) shall provide that specific costs unallowable under one cost principle shall not be allowable under any other cost principle.

"(2) The regulations under paragraph (1) shall, at a minimum, clarify the cost principles applicable to a contractor of the following:

"(A) Air shows.

"(B) Advertising.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Community relations.

"(F) Dining facilities.

"(G) Professional and consulting services, including legal fees.

"(H) Compensation.

"(I) Selling and marketing.

"(J) Travel.
"(K) Public relations.
"(L) Hotel and meal and related alcoholic and other beverages expenses.
"(M) Membership in civic, community, and professional organizations.
"(3) Such regulations shall specify the circumstances under which clauses (A) and (B) of subsection (c)(1) shall be applied.
"(4) Such regulations shall require that a contractor be required to provide current, accurate, and complete documentation to support the allowability of an indirect cost at the time a proposal which includes (or may reasonably include) any indirect costs is submitted to the Secretary. If such documentation is not sufficient to support the allowability of the cost, the cost shall be challenged by the Secretary and it shall become expressly unallowable and not subject to negotiation.
"(e)(1) The Secretary of Defense shall require that each indirect cost in the contractor's submission for final overhead settlement applied to covered contracts that is not specifically unallowable under law or regulation and that is challenged by the Secretary as being unallowable shall be considered for resolution separately from the resolution of other challenged costs. If such challenged cost cannot be resolved separately, then the settlement may include an aggregate amount for the settlement of all such challenged costs if—
"(A) the contractor and the contracting officer cannot agree on the allowability of the cost under applicable cost principles;
"(B) the contracting officer documents the reasons why an agreement cannot be reached; and
'(C) the contractor agrees in writing that costs of that type will not be submitted to the Department of Defense for payment as an allowable indirect cost in the future under that contract or any other contract of the contractor with the Secretary.
"(2) The Secretary of Defense shall provide that the defense contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor. If, in exceptional circumstances, such auditor cannot reasonably be present, the preceding sentence may be waived by the contracting officer.
"(f)(1) A contractor that submits a proposal for interim or final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in the form prescribed in paragraph (2).
"(2) The certification required by paragraph (1) is as follows:

" 'CERTIFICATE OF OVERHEAD COSTS

" 'This is to certify that:
" '1. I have reviewed the claim submitted herewith;
" '2. All costs included in this claim for (overhead costs for rate approval) (final settlement for identify period) are allowable in accordance with the requirements of contracts to which they apply and with the cost principles of the Department of Defense applicable to those contracts;
" '3. This claim does not include any costs which are unallowable under applicable cost principles of the Department of Defense, such as (without limitation): advertising and public relations costs (contributions and donations), entertainment costs, fines and penalties, lobbying costs, defense of fraud proceedings, and goodwill; and
" '4. All costs included in this claim benefit the Department of Defense and are demonstrably related to or necessary for the performance of the Department of Defense contract(s) covered by the claim.
" 'I declare under penalty of perjury that the foregoing is true and correct.'.
"(3) Such certification shall identify the contractor and be signed by the chief financial officer of the contractor.
"(g) The Secretary of Defense shall provide that, in establishing the interim or provisional rates for payment of indirect costs to a contractor for which final settlement will be made at a later time, such rates shall be based upon amounts incurred by such contractor for indirect costs less any amount questioned by the agency with responsibility for audits of contracts and amounts prohibited by this section.
"(h) In this section, 'covered contract' means a contract entered into by the Department of Defense for an amount more than $25,000—
"(1) that is flexibly priced; or
"(2) for which cost or pricing data is required under section 2306(f) of this title.".
(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2324. Allowable costs under defense contracts.".

(b) REGULATIONS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish final regulations required by subsection (d) of section 2324 of title 10, United States Code, as added by subsection (a). Such regulations shall be prescribed in accordance with section 22 of the Office of Federal Procurement Act (41 U.S.C. 418b). The Secretary shall review such regulation at least once every three years and the results of that review, taking into consideration experience, shall be made public.
(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—
(A) a copy of proposed regulations to be prescribed in accordance with paragraph (1); and
(B) a report identifying—
(i) the nature of the proposed changes that would be made by such proposed regulations to the current cost principles on the allowability of contractor costs; and
(ii) the potential effect of such changes on the allowability of contractor costs.
(3) At the time such proposed regulations and report are submitted to such committees, they shall also be published in the Federal Register for purposes of public comment of not less than 30 days.
(c) EFFECTIVE DATE.—Section 2324 of title 10, United States Code, as added by subsection (a), shall apply to costs incurred under any contract entered into before, on, or after the date of enactment of this Act to the extent such costs are incurred at any time 60 days after such regulations are promulgated. Such section shall not apply to any contract entered into before the date of the enactment of this Act if the Secretary of Defense determines that the particular terms of the contract existing before promulgation of such regulations are such that the provisions of that section could not be applied to the contract.
(d) APPLICABILITY TO SUBCONTRACTS.—The regulations of the Secretary of Defense required to be issued under subsection (b) shall require to the maximum extent possible that the provisions of section 2423 of title 10, United States Code, as added by subsection (a), shall apply to all subcontractors of any covered contract, as that term is defined in such section.

SEC. 804. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:
"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor or subcontractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.
"(1) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.
"(3) The authority of the Secretary of Defense under this subsection shall be promptly delegated to each of the following:
"(A) An officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.
"(B) The director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts.".

SEC. 805. LIMITATION ON ASSIGNMENTS OF PRINCIPAL CONTRACTING OFFICERS.

(a) LIMIT ON TOURS OF DUTY AND REASSIGNMENTS.—The Secretary of Defense shall prescribe regulations—
(1) to limit to five years the maximum tour of duty for which an officer or employee under the jurisdiction of the Secretary may be assigned to represent the Department of Defense with a particular contractor as a principal contracting officer; and
(2) to provide that an officer or employee who has held a position as principal contracting officer with a contractor may not be reassigned to duty with that contractor or any contractor affiliated with that contractor for a period of five years after the end of the previous such assignment.
(b) WAIVER AUTHORITY.—The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the limitation in subsection (a) in the case of any officer or employee if the Secretary—
(1) determines that it would not be in the best interests of the United States to apply such limitation in that case; and
(2) states in writing the reasons for that determination, which shall be available to the public.
Any such waiver may not extend such period for more than two years.
(c) DEFINITION.—For purposes of this section, the term "principal contracting officer" means—
(1) a principal corporate administrative contracting officer or deputy principal corporate administrative contracting officer; and
(2) a principal administrative contracting officer or deputy principal administrative contracting officer.

(To the Amendment Offered by Mr. NICHOLS.)

—In section 1016 of the material proposed to be inserted by the NICHOLS amendment, strike out subsection (f) of the section 2324 of title 10, United States Code, which is added by subsection (a) of such section 1016 and insert the following in lieu thereof:

"(f)(1) A contractor that submits a proposal for interim or final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs

included in the proposal are allowable. Any such certification shall be in the form prescribed in paragraph (2).

"(2) The certification required by paragraph (1) is as follows:

" 'CERTIFICATE OF OVERHEAD COSTS

" 'This is to certify that:

" '1. I have reviewed the claim submitted herewith;

" '2. All costs included in this claim for (overhead costs for rate approval) (final settlement for identify period) are allowable in accordance with the requirements of contracts to which they apply and with the cost principles of the Department of Defense applicable to those contracts;

" '3. This claim does not include any costs which are unallowable under applicable cost principles of the Department of Defense, such as (without limitation): advertising and public relations costs (contributions and donations), entertainment costs, fines and penalties, lobbying costs, defense of fraud proceedings, and goodwill; and

" '4. All costs included in this claim benefit the Department of Defense and are demonstrably related to or necessary for the performance of the Department of Defense contract(s) covered by the claim.

" 'I declare under penalty of perjury that the foregoing is true and correct.'.

"(3) Such certification shall identify the contractor and be signed by the chief financial officer of the contractor.

By Mr. SKELTON:

(Substitute amendment to the amendment offered by Mr. PORTER.)

—Page 22, after line 23, insert the following new section:

SEC. 111. CONDITION ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS.

(a) IN GENERAL.—None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for procurement or assembly of complete binary chemical munitions except in accordance with subsection (b).

(b) CONDITIONS.—The funds referred to in subsection (a) may be used for the procurement or assembly of complete binary chemical munitions after September 30, 1987, if—

(1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by such date;

(2) the President transmits, after such date, a certification to the Congress that—

(A) the procurement and assembly of such complete weapons is necessitated by national security interests, including the interests of the members of North Atlantic Treaty Organization;

(B) performance specifications established by the Department of Defense and in effect on the date of enactment of this Act with respect to such munitions will be met or exceeded in the handling, storage, and other use of such munitions;

(C) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions; and

(D) the Secretary of Defense's plan (which shall accompany such certification) for destruction of existing chemical stocks is ready to be implemented;

(3) such procurement and assembly is carried out only after the end of the 60-day period beginning on the date such certification is received by the Congress;

(4) the Secretary of Defense's basing mode for such munitions in the United States is to be carried out in a manner which provides that the two components that constitute a binary munition are based in separate States; and

(5) the Secretary of Defense's plan for the transportation of such munitions in the United States is to be carried out in a manner which provides that the two components that constitute a binary munition are transported separately and by different means.

By Mr. SPRATT:

(To the substitute amendment offered by Mr. Skelton.)

—On page 2, line 7, strike out "and",

On page 2, line 10, at the end of the line, insert "and".

On page 2, immediately following line 10, insert the following:

(E) The North Atlantic Council of the North Atlantic Treaty Organization (NATO) has formally agreed that chemical munitions currently stored and deployed in NATO countries need to be modernized in order to serve as an adequate deterrent; that such modernization should be effected by replacement of current chemical munitions with binary chemical munitions; and that the European member nations of NATO where such chemical munitions are to be stored or deployed are willing to accept storage and deployment of binary chemical munitions within their territories.

—On page 27, line 2, strike out "and".

On page 27, line 4, strike out the period and insert in lieu thereof "; and".

On page 27, after line 4, insert the following:

(5) $500,000 is available for use by the Defense Logistics Agency only for the Military Sewn Products Automation Program (MILSPA).

By Mr. WYDEN:

(To the amendment offered by Mr. Nichols.)

In section 1016 of the material proposed to be inserted by the Nichols amendment, strike out subsection (f) of the section 2324 of title 10, United States Code, which is added by subsection (a) of such section 1016 and insert the following in lieu thereof:

"(f)(1) A contractor that submits a proposal for interim or final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in the farm prescribed in paragraph (2).

"(2) The certification required by paragraph (1) is as follows:

" 'CERTIFICATE OF OVERHEAD COSTS

" 'This is to certify that:

" '1. I have reviewed the claim submitted herewith;

" '2. All costs included in this claim for (overhead costs for rate approval) (final settlement for identify period) are allowable in accordance with the requirements of contracts to which they apply and with the cost principles of the Department of Defense applicable to those contracts;

" '3. This claim does not include any costs which are unallowable under applicable cost principles of the Department of Defense, such as (without limitation): advertising and public relations costs (contributions and donations), entertainment costs, fines and penalties, lobbying costs, defense of fraud proceedings, and goodwill; and

" '4. All costs included in this claim benefit the Department of Defense and are demonstrably related to or necessary for the performance of the Department of Defense contract(s) covered by the claim.

" 'I declare under penalty of perjury that the foregoing is true and correct.'.

"(3) Such certification shall identify the contractor and be signed by the chief financial officer of the contractor.

(Substitute amendment for the amendment offered by Mr. Nichols.)

—Page 142, strike out line 9 and insert in lieu thereof the following (and redesignate the succeeding section accordingly):

TITLE VIII—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

SEC. 801. SHORT TITLE.

This title may be cited as the "Defense Procurement Waste and Abuse Prevention Act of 1985".

SEC. 802. PURPOSES.

The purposes of this title are—

(1) to ensure that items of indirect costs included by a contractor or a subcontractor of the Department of Defense in any contract awarded by the Secretary of Defense are monitored by the Secretary to prevent abuse and waste of Federal funds and to ensure that such costs do not include items of expenditures for reimbursement that are not reasonably related to the contract and subcontract; and

(2) to place the burden on the contractor (including the contractor's officers and employees) claiming reimbursement or payment for any indirect costs payable to such contractor under a defense contract or subcontract to show that such costs are reasonable and allowable and to ensure that all such requests are made in accordance with the amendments made by this title and other applicable provisions of law and regulations.

SEC. 803. ALLOWABLE COSTS.

(a) REGULATION OF ALLOWABLE COSTS PAYABLE TO DEFENSE CONTRACTORS.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2324. Allowable costs under defense contracts

"(a)(1) The Secretary of Defense shall require that all covered contracts comply with the requirements of this title and that no contractor receives payment for indirect costs not allowed by or under this title. The Secretary shall also require that if a contractor submits to the Department of Defense a proposal (at the time of final settlement of contract costs or at any other time) covering any indirect cost incurred by the contractor for any period after such costs have been accrued which includes, as determined by the Secretary of Defense, the submission of one or more indirect costs that are specified by statute (other than this paragraph) or regulation as unallowable—

"(A) all costs, including such unallowable indirect costs, covered by that proposal shall be disallowed by the Secretary; and

"(B) the Secretary shall require the contractor to pay to the United States an amount equal to the greater of $10,000 or—

"(i) the amount of the indirect cost unallowable under such statute or regulation, plus interest; or

"(ii) if the cost is of a type that has been finally determined, before the submission of such proposal, to be expressly unallowable to that contractor, an amount equal to twice the amount of such unallowable indirect costs, plus interest.

"(2) An action by the Secretary under a contract provision required by paragraph (1) to disallow a cost and to require payment of a contractor—

"(A) shall be considered a final decision for purposes of section 6 of the Contracts Dispute Act of 1978 (41 U.S.C. 605); and

"(B) shall be appealable in the manner provided in section 7 of such Act (41 U.S.C. 606).

"(3) Interest under paragraph (1) shall be computed—

"(A) from the date on which the cost is submitted to the Secretary; and

"(B) at the applicable rate prescribed by the Secretary of the Treasury under section 6621 of the Internal Revenue Code of 1954.

"(b) The following costs are not allowable indirect costs under a covered contract:

"(1) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities).

"(2) Costs incurred to influence (directly or indirectly)—

"(A) congressional action on any legislation or appropriation matters pending before Congress or a State; or

"(B) executive branch action on any regulatory or contract matter pending before an executive branch agency (other than reasonable and necessary costs incurred in preparing a contract submission or proposal in response to any solicitation).

"(3) Costs incurred in defense of any civil or criminal fraud proceeding or similar proceeding (including filing of any false certification) brought by the United States where the contractor is found liable for fraud or has pleaded nolo contendere to a charge of fraud or similar proceeding (including filing of false certification).

"(4) Payments of fines and penalties resulting from violations of, or failure to comply with, Federal, State, local, or foreign laws and regulations, except when incurred as a result of compliance with specific terms and conditions of the contract or specific written instructions from the contracting officer authorizing in advance such payments in accordance with applicable regulations of the Secretary of Defense.

"(5) Costs of membership in any social, dining, or country club or organization.

"(6) Costs of bulk purchases of alcoholic beverages.

"(7) Contributions or donations, regardless of the recipient.

"(8) Costs of advertising designed to promote the contractor or its products.

"(9) Costs of promotional items and memorabilia, including models, gifts, and souvenirs.

"(10) Other costs items identified by regulation which the Secretary of Defense shall prescribe by regulation under this section.

"(11) Except as provided in subsection (c), costs for travel by aircraft to the extent that such costs exceed the amount of the standard commercial fare for travel by air common carrier between the points involved.

"(c)(1) Subsection (b)(11) may be waived by the contracting officer if the officer determines that travel by air common carrier at standard fare—

"(A) would require travel at unreasonable hours;

"(B) would excessively prolong travel;

"(C) would result in overall increased costs that would offset potential savings from travel at standard commercial fare; or

"(D) would not meet physical or medical needs of the person traveling.

"(2) Subsection (b)(11) may be waived by the contracting officer if the officer determines that travel by aircraft other than a common carrier—

"(A) is—

"(i) specifically authorized under the contract; or

"(ii) impractical; and

"(B) is for business purposes and requires the use of such aircraft.

"(3) Cost for air travel in excess of that allowed by subsection (b)(11) may only be allowed by reason of one of the exceptions contained in paragraph (1) or by reason of paragraph (2) if the exception is fully documented and justified, including, in the case of an exception under paragraph (2), full documentation of the use of the aircraft for business purposes. Any waiver by the contracting officer shall be made in writing in advance of the travel or at such other times as the officer considers reasonable.

"(d)(1) The Secretary of Defense shall prescribe regulations, consistent with requirements of subsection (b), to establish criteria for the allowability of indirect contractor costs under Department of Defense contracts. Such regulations shall be prescribed as part of the Department of Defense supplement to the Federal Acquisition Regulation. In developing specific criteria for the allowability of such costs, the Secretary shall consider whether reimbursement of such costs by the United States is in the best interest of the United States and consistent with the requirements of subsection (b). Such regulations—

"(A) shall define and interpret in reasonable detail and specific terms those indirect costs, including the cost requirement of subsection (b), that are unallowable and allowable under contracts entered into by the Department of Defense; and

"(B) shall provide that specific costs unallowable under one cost principle shall not be allowable under any other cost principle.

"(2) The regulations under paragraph (1) shall, at a minimum, clarify the cost principles applicable to a contractor of the following:

"(A) Air shows.

"(B) Advertising.

"(C) Recruitment.

"(D) Employee morale and welfare.

"(E) Community relations.

"(F) Dining facilities.

"(G) Professional and consulting services, including legal fees.

"(H) Compensation.

"(I) Selling and marketing.

"(J) Travel.

"(K) Public relations.

"(L) Hotel and meal and related alcoholic and other beverages expenses.

"(M) Membership in civic, community, and professional organizations.

"(3) Such regulations shall specify the circumstances under which clauses (A) and (B) of subsection (c)(1) shall be applied.

"(4) Such regulations shall require that a contractor be required to provide current, accurate, and complete documentation to support the allowability of an indirect cost at the time a proposal which includes (or may reasonably include) any indirect costs is submitted to the Secretary. If such documentation is not suficient to support the allowability of the cost, the cost shall be challenged by the Secretary and it shall become expressly unallowable and not subject to negotiation.

"(e)(1) The Secretary of Defense shall require that each indirect cost in the contractor's submission for final overhead settlement applied to covered contracts that is not specifically unallowable under law or regulation and that is challenged by the Secretary as being unallowable shall be considered for resolution separately from the resolution of other challenged costs. If such challenged cost cannot be resolved separately, then the settement may include an aggegate amount of the settlement of all such challenged costs if—

"(A) the contractor and the contracting officer cannot agree on the allowability of the cost under applicable cost principles;

"(B) the contracting officer documents the reasons why an agreement cannot be reached; and

"(C) the contractor agrees in writing that costs of that type will not be submitted to the Department of Defense for payment as an allowable indirect cost in the future under that contract or any other contract of the contractor with the Secretary.

"(2) The Secretary of Defense shall provide that the defense contract auditor be present at any negotiation or meeting with the contractor regarding a determination of the allowability of indirect costs of the contractor. If, in exceptional circumstances, such auditor cannot reasonably be present, the preceding sentence may be waived by the contracting officer.

"(f)(1) A contractor that submits a proposal for interim or final settlement of indirect costs applicable to a covered contract shall be required to certify that all indirect costs included in the proposal are allowable. Any such certification shall be in the form prescribed in paragraph (2).

"(2) The certification required by paragraph (1) is as follows:

" 'CERTIFICATE OF OVERHEAD COSTS

" 'This is to certify that:

" '1. I have reviewed the claim submitted herewith;

" '2. All costs included in this claim for (overhead costs for rate approval) (final settlement for identify period) are allowable in accordance with the requirements of contracts to which they apply and with the cost principles of the Department of Defense applicable to those contracts;

" '3. This claim does not include any costs which are unallowable under applicable cost principles of the Department of Defense, such as (without limitation): advertising and public relations costs (contributions and donations), entertainment costs, fines and penalties, lobbying costs, defense of fraud proceedings, and goodwill; and

" '4. All costs included in this claim benefit the Department of Defense and are demonstrably related to or necessary for the performance of the Department of Defense contract(s) covered by the claim.

" 'I declare under penalty of perjury that the foregoing is true and correct.'.

"(3) Such certification shall identify the contractor and be signed by the chief financial officer of the contractor.

"(g) The Secretary of Defense shall provide that, in establishing the interim or provisional rates for payment of indirect costs to a contractor for which final settlement will be made at a later time, such rates shall be based upon amounts incurred by such contractor for indirect costs less any amount questioned by the agency with responsibility for audits of contracts and amounts prohibited by this section.

"(h) In this section, 'covered contract' means a contract entered into by the Department of Defense for an amount more than $25,000—

"(1) that is flexibly priced; or

"(2) for which cost or pricing data is required under section 2306(f) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2324. Allowable costs under defense contracts.".

(b) REGULATIONS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish final regulations required by subsection (d) of section 2324 of title 10, United States Code, as added by subsection (a). Such regulations shall be prescribed in accordance with section 22 of the Office of Federal Procurement Act (41 U.S.C. 418b). The Secretary shall review such regulation at least once every three years and the results of that review, taking into consideration experience, shall be made public.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of proposed regulations to be prescribed in accordance with paragraph (1); and

(B) a report identifying—

(i) the nature of the proposed changes that would be made by such proposed regulations to the current cost principles on the allowability of contractor costs; and

(ii) the potential effect of such changes on the allowability of contractor costs.

(3) At the time such proposed regulations and report are submitted to such committees, they shall also be published in the Federal Register for purposes of public comment of not less than 30 days.

(c) EFFECTIVE DATE.—Section 2324 of title 10, United States Code, as added by subsection (a), shall apply to costs incurred under any contract entered into before, on, or after the date of enactment of this Act to the extent such costs are incurred at any time 60 days after such regulations are promulgated. Such section shall not apply to any contract entered into before the date of the enactment of this Act if the Secretary of Defense determines that the particular terms of the contract existing before promulgation of such regulations are such that the provisions of that section could not be applied to the contract.

(d) APPLICABILITY TO SUBCONTRACTS.—The regulations of the Secretary of Defense required to be issued under subsection (b) shall require to the maximum extent possible that the provisions of section 2423 of title 10, United States Code, as added by subsection (a), shall apply to all subcontractors of any covered contract, as that term is defined in such section.

SEC. 804. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor or subcontractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority of the Secretary of Defense under this subsection shall be promptly delegated to each of the following:

"(A) An officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(B) The director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts.".

SEC. 805. LIMITATION ON ASSIGNMENTS OF PRINCIPAL CONTRACTING OFFICERS.

(a) LIMIT ON TOURS OF DUTY AND REASSIGNMENTS.—The Secretary of Defense shall prescribe regulations—

(1) to limit to five years the maximum tour of duty for which an officer or employee under the jurisdiction of the Secretary may be assigned to represent the Department of Defense with a particular contractor as a principal contracting officer; and

(2) to provide that an officer or employee who has held a position as principal contracting officer with a contractor may not be reassigned to duty with that contractor or any contractor affiliated with that contractor for a period of five years after the end of the previous such assignment.

(b) WAIVER AUTHORITY.—The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the limitation in subsection (a) in the case of any officer or employee if the Secretary—

(1) determines that it would not be in the best interests of the United States to apply such limitation in that case; and

(2) states in writing the reasons for that determination, which shall be available to the public.

Any such waiver may not extend such period for more than two years.

(c) DEFINITION.—For purposes of this section, the term "principal contracting officer" means—

(1) a principal corporate administrative contracting officer or deputy principal corporate administrative contracting officer; and

(2) a principal administrative contracting officer or deputy principal administrative contracting officer.

(To the amendment offered by Mr. Nichols.)

—Strike out the section 1017 of the material proposed to be inserted by the Nichols amendment and insert in lieu thereof the following:

SEC. 1017. SUBPOENAS OF DEFENSE CONTRACTOR RECORDS.

Section 2313 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of Defense may require by subpoena the production of any books, documents, papers, or records of a contractor or subcontractor that are needed by the Secretary for the purposes of subsection (a) or the purposes of section 2306(f) of this title.

"(2) Any such subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(3) The authority of the Secretary of Defense under this subsection shall be promptly delegated to each of the following:

"(A) An officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(B) The director of the defense agency or other element of the Department of Defense that has responsibility for audits of defense contracts.".

—Page 172, after line 20, insert the following new section:

SEC. 1016. REPORT ON CIVILIAN DEFENSE PROCUREMENT.

(a) REPORT.—The General Accounting Office shall conduct a study of the methods by which weapon system acquisition could be managed by civilian personnel. Within 180 days after the date of enactment of this Act, such Office shall transmit a report to the Congress containing the findings and conclusions reached as a result of such study.

(b) DEFINITION.—For purposes of subsection (a), "weapon system acquisition" means the development and procurement of weapon systems to be utilized by the Department of Defense, including all initial components, spare or replacement parts, hardware, software, and associated equipment, which function together to give the weapon system the capability to carry out the mission for which it is developed and procured.

(To the amendment offered by Mr. Nichols.)

—At the end of section 1016 of the material proposed to be inserted by the Nichols amendment, insert the following new subsection:

(d) APPLICABILITY TO SUBCONTRACTS.—The regulations of the Secretary of Defense required to be issued under subsection (b) shall require, to the maximum extent possible, that the provisions of section 2423 of title 10, United States Code, as added by subsection (a), shall apply to all subcontractors of any covered contract, as that term is defined in such section.

(To the amendment offered by Mr. Nichols.)

—In section 1016 of the material proposed to be inserted by the Nichols amendment, insert ", including legal fees" after "Professional and consulting services" in subsection (d)(2)(H) of the section 2324 of title 10, United States Code, which is added by subsection (a) of such section 1016.

—Page 118, after line 4, add the following new section:

SEC. 655. LICENSURE REQUIREMENT FOR DEFENSE HEALTH-CARE PROFESSIONALS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1094. Licensure requirement for health-care professionals

"(a)(1) No person under the jurisdiction of the Secretary of a military department may provide health care independently as a health-care professional under this chapter unless the person has a current license to provide such care.

"(2) The Secretary of Defense may waive paragraph (1) with respect to any person in unusual circumstances. The Secretary shall prescribe by regulation the circumstances under which such a waiver may be granted.

"(b) The commanding officer of each health care facility of the Department of Defense shall ensure that each person who provides health care independently as a health-care professional at the facility meets the requirement of subsection (a).

"(c)(1) A person who provides health care in violation of subsection (a) is subject to a civil money penalty of not more than $5,000.

"(2) The provisions of subsections (b) and (d) through (g) of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) shall apply to the imposition of a civil money penalty under paragraph (1) in the same manner as they apply to the imposition of a civil money penalty under that sec-

tion, except that for purposes of this subsection—

"(A) a reference to the Secretary in that section is deemed a reference to the Secretary of Defense; and

"(B) a reference to a claimant in subsection (e) of that section is deemed a reference to the person described in paragraph (1).

"(d) In this section:

"(1) 'License'—

"(A) means a grant of permission by an official agency of a State, the District of Columbia, or a territory or possession of the United States to provide health care independently as a health-care professional; and

"(B) includes, in the case of such care furnished in a foreign country by a person who is not a national of the United States, a grant of permission by an official agency of that foreign country for that person to provide health care independently as a health-care professional.

"(2) 'Health-care professional' means a physician, dentist, clinical psychologist, nurse, and such other person providing direct patient care as may be designated by the Secretary of Defense in regulations.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1094. Licensure requirement for health-care professionals.".

(b) TRANSITION.—Section 1094 of title 10, United States Code, as added by subsection (a), does not apply during the three-year period beginning on the date of the enactment of this Act with respect to the provision of health care by any person who on the date of the enactment of this Act is a member of the Armed Forces.